

Exhibit 2

Part 2

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1 got guidance of. This isn't one of
2 them.

3 Could we put a pin in this and
4 come back to it after we get an answer?
5 We already have an inquiry in, but we
6 don't have an answer yet.

7 MS. KENNEDY PARK: Okay. Let's
8 put a pin in it.

9 BY MS. KENNEDY PARK:

10 Q. So after the conversation with
11 the governor and Mr. David, did you have any
12 conversations with the governor one-on-one
13 after that about Lindsey Boylan and her
14 quitting?

15 A. Yes. She called the office and
16 attempted to talk to the governor, I think
17 twice, and Stephanie didn't know what to do.
18 And so Stephanie sought advice from Alphonso
19 and -- okay.

20 So I flagged for him, "FYI, it
21 sounds like Lindsey has called a couple of
22 times, and Stephanie is dealing with it with
23 Alphonso."

24 And then she sent Stephanie an
25 e-mail saying, "I love the governor. Please

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1 let me talk to him. I'm the only one who has
2 his best interest at heart."

3 Q. What happened after that e-mail?

4 A. Stephanie forwarded the e-mail to
5 Alphonso and copied me.

6 Q. Other than in preparation for
7 today's meeting, when was the last time you
8 saw that e-mail?

9 A. Not -- back then. I looked for
10 it.

11 Q. Were you able to find it?

12 A. No.

13 Q. Do you know if Ms. Benton -- did
14 you ask Ms. Benton to look for it?

15 A. We both looked for it.

16 Q. Was anyone able to find it?

17 A. No.

18 Q. After the e-mail, did you have
19 any conversations with the governor after that
20 e-mail came in about the e-mail?

21 A. We had a conversation about the
22 advice we received from counsel on how to deal
23 with it.

24 MS. KENNEDY PARK: And we're
25 putting a pin in that.

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1 Q. Any other conversations with the
2 governor about Ms. Boylan in September of 2018
3 about Lindsey Boylan?

4 A. No.

5 Q. Other than what you've just
6 described in terms of the incident in July,
7 the incidents that led to the September
8 attempt at counseling, and your concerns about
9 Ms. Boylan's breach of protocol, did you have
10 any other concerns about Ms. Boylan's
11 performance in the executive chamber?

12 A. No. No.

13 Q. Did you have any other concerns
14 about Ms. Boylan's behavior in the executive
15 chamber that you haven't raised to our
16 attention?

17 A. No, it's -- she was just
18 incredibly ornery. And it was -- it, for me,
19 just became a headache. Like, every time I
20 turned around, someone was complaining to me
21 about Lindsey.

22 Q. Did you ever have any concerns
23 that she had behaved inappropriately from a
24 sexual perspective in the executive chamber?

25 A. Not in the executive chamber, no.

1 Q. Okay. Did you have any concerns
2 that she had behaved inappropriately outside
3 the executive chamber?

4 A. When she was at ESD.

5 Q. Okay.

6 A. And I wouldn't characterize it as
7 inappropriately.

8 Q. Tell us about that.

9 A. I heard, I believe, from -- this
10 is going to be tricky again -- [REDACTED] who is
11 counsel at ESD.

12 THE WITNESS: Can I keep going?

13 MR. HECKER: You learned just
14 facts from [REDACTED]?

15 THE WITNESS: So --

16 MR. HECKER: Was it a discussion
17 of -- did it include legal advice from

18 [REDACTED]

19 THE WITNESS: It -- well, she
20 was, like, reporting it up.

21 MS. KENNEDY PARK: Do you want to
22 go off the record?

23 MR. HECKER: Yeah.

24 MS. KENNEDY PARK: Can we go off
25 the record?

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1 THE VIDEOGRAPHER: The time is
2 2:13 p.m. This concludes Media 5. Off
3 the record.

4 (Recess taken from 2:14 p.m. to
5 2:24 p.m.)

6 THE VIDEOGRAPHER: The time now
7 is 2:24 p.m. This begins Media 6. On
8 the record.

9 BY MS. KENNEDY PARK:

10 Q. So earlier you told me that you
11 had a conversation with Alphonso David and the
12 governor about Lindsey Boylan.

13 Can you tell us the part of that
14 conversation that did not involve the
15 provision of legal advice by Mr. David?

16 A. We let the governor know that
17 Lindsey had obviously, like, in the aftermath
18 of her resignation, reached back out to get
19 her job back, and following that, had been
20 attempting to contact the governor directly.

21 Q. And what did the governor say?

22 A. "How should I handle this?"

23 Q. And then Mr. David provided legal
24 advice?

25 A. Yes.

1 MS. KENNEDY PARK: As to which
2 your counsel instructed you not to
3 testify?

4 MR. HECKER: Well, the chamber
5 has instructed us that they're not
6 waiving privilege as to that advice.

7 MS. KENNEDY PARK: Okay.

8 Q. And how did you come to know that
9 Ms. Boylan had reached out to get her job
10 back?

11 A. Alphonso called me that weekend.

12 Q. And what did he tell you?

13 A. Exactly that, that she had
14 reached out, I think that Sunday morning, and
15 said that she --

16 THE WITNESS: I'm fine with this
17 stuff. Right?

18 A. Okay. So she said that she
19 acknowledged that her behave -- some of the
20 things from the complaints were accurate, that
21 she thought that the **Senior Staffer #2/Senior Staffer #3** stuff
22 went both ways. It wasn't just one-sided,
23 that she felt like they also were difficult
24 with her.

25 And that -- I think she was

1 surprised by the [REDACTED] complaints,
2 which was interesting to me because [REDACTED] was,
3 like, the most vocal. And that she wanted to
4 come back to the chamber. She wanted her job
5 back.

6 Q. And what did you tell Mr. David?

7 A. We discussed whether or not it
8 was a good idea.

9 Q. And did Mr. David provide you
10 with legal advice?

11 A. Yes.

12 MS. KENNEDY PARK: And I'm
13 guessing the executive chamber is
14 instructing you not to answer questions
15 about what that legal advice was?

16 MR. HECKER: About legal advice.
17 Right.

18 Q. And going back to the
19 conversation between you, the governor, and
20 Mr. David, anything else that the governor
21 said other than asking what we should do?

22 A. No.

23 Q. Was the governor surprised at any
24 of the information that you conveyed to him?

25 A. I think that he was surprised at

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1 the ultimate -- you know, her storming out
2 while Alphonso was counseling her. I try to
3 keep stuff off his desk that he doesn't need
4 to be -- to know about. There's, like, so
5 many important things going on.

6 So I think that he was aware that
7 there had been complaints about Lindsey, that
8 Lindsey had had altercations with members of
9 the staff, but I don't think necessarily
10 realized that it had reached that point.

11 Q. How did you come to understand
12 that the governor was aware that there had
13 been complaints about Lindsey before the
14 September 28 incident?

15 A. I think that Stephanie had said
16 something at some point. I think that I had
17 said something at some point. I think Robert
18 said something at some point.

19 Q. To the governor?

20 A. Yes.

21 Q. What did you say to the governor
22 prior to September 2018 about Ms. Boylan?

23 A. I think I told him about the
24 incident that I had with her, because I didn't
25 know if she would go to him directly about it,

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1 and so I wanted to make sure he wasn't
2 blindsided.

3 Q. So earlier I asked you if you had
4 talked to anybody else about that incident,
5 and you didn't say the governor was one of the
6 people you talked to. But now you're
7 remembering you spoke to the governor?

8 A. Yes, I think.

9 Q. And what was the governor's
10 reaction to you telling him about that
11 incident?

12 A. He doesn't -- he traditionally
13 doesn't like to weigh in on, like --

14 MR. HECKER: Just, do you
15 remember that conversation and what --

16 THE WITNESS: Not specifically.

17 A. Except that he didn't engage it.

18 Q. Meaning you told him and he
19 didn't react, to your recollection?

20 A. Right.

21 Q. And can you remind me again --
22 I'm sorry -- why did you decide to give him a
23 heads up about the July 2018 incident?

24 A. Because she would potentially go
25 to him directly.

1 Q. Had she told you she was going to
2 go to the governor?

3 A. No.

4 Q. And you said you think Ms. Benton
5 had a conversation with the governor prior to
6 September 2018 about Ms. Boylan.

7 What do you understand about
8 those conversations?

9 A. I don't have any specific
10 knowledge, but I know that the Lindsey/Senior Staffer #3
11 stuff with Lindsey was pretty intolerable.
12 And it -- I assume that Stephanie would have
13 talked to him about it.

14 Q. Okay. Don't assume.

15 A. Okay.

16 Q. Do you know that Stephanie Benton
17 spoke to --

18 A. No, I think --

19 Q. We just can't talk over each
20 other. Okay?

21 A. Sorry.

22 Q. That's okay.

23 So do you know that the
24 Ms. Benton spoke to the governor about Lindsey
25 Boylan prior to September of 2018?

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1 A. No.

2 Q. Do you know if at any time

3 Ms. Benton spoke to the governor about

4 Lindsey Boylan?

5 A. No.

6 Q. And then I think --

7 A. Well -- I'm sorry.

8 Q. Go ahead.

9 A. Not to speak over you. I don't
10 know if she told him about that e-mail that
11 she received, separate from the conversation
12 that Alphonso and I had with him.

13 Q. Okay. And you say "that e-mail."
14 What e-mail are you referring to?

15 A. The one that she said, "I love
16 him. I'm the only one who has his best
17 interest at heart. Please let me talk to
18 him."

19 Q. Okay. So are you aware of
20 whether Ms. Benton told the governor the
21 existence of that e-mail?

22 A. I don't. That's what I'm saying,
23 I -- that would be something where I would
24 think that that could have come up.

25 Q. And what about Mr. Mujica? What

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1 do you know about his conversations with the
2 governor about Lindsey Boylan prior to
3 September 2018?

4 A. I was in the room one time when
5 there was a difficult conversation on the
6 phone that Lindsey was a part of. And Lindsey
7 got vocal, like, got her voice raised. And
8 when the governor hung up, Robert was like,
9 "It'll be okay, you know. I'll talk to her,"
10 like, "It's fine," kind of thing.

11 Q. And do you remember why
12 Ms. Boylan's voice was getting raised?

13 A. I believe it's because the
14 governor was asking her questions about a
15 project and she got offended.

16 Q. Well, what did you
17 understand -- how did you come to understand
18 that she got offended?

19 A. By her reaction.

20 Q. How did you come to --

21 A. I shouldn't characterize it. Her
22 voice raised. She was clearly frustrated.

23 Q. Okay. Why don't we do this: You
24 tell me what Mr. Mujica told you about that
25 meeting. Were you there?

1 A. Yes.

2 Q. Okay. So what happened in the
3 meeting?

4 A. There was a call on speaker phone
5 with a group of people about a project. I
6 think it was an MTA project. This was around
7 the time that I was telling you about, the
8 [REDACTED] -- how Lindsey got upset because the
9 governor said, "Speak to Rob and [REDACTED] about
10 it."

11 And on the phone, the governor
12 was doing what he generally does, which he,
13 like, refers to as "peeling the onion" where
14 he asks a million questions. And as he was
15 asking questions, she didn't have the answers.

16 And then he would ask the next
17 question, and she was getting increasingly
18 aggravated, which was obvious by her raising
19 her voice and getting frustrated.

20 And then the call ended, and it
21 was, like, one of those situations -- I'm sure
22 we've all been in these moments where you're
23 in a -- like, a meeting with the room, and
24 everyone looks at each other like -- and Rob
25 was like, "I'll talk to her. It'll be fine.

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1 I'll talk to her."

2 Q. Was that the end -- that was the
3 end of the meeting?

4 A. Yes.

5 Q. Okay. Do you have an
6 understanding as to whether Mr. Mujica
7 reported back to the governor on his
8 conversation with Ms. Boylan after that?

9 A. I don't know.

10 Q. Do you know if Mr. Mujica did, in
11 fact, speak to Ms. Boylan about that incident?

12 A. I believe, based on the text
13 messages that I saw in -- what month are we
14 in?

15 Q. I don't know. July.

16 A. -- in February, that, yes, that
17 he had talked to her and attempted to calm her
18 down.

19 Q. Okay. And what was the context
20 in which you saw text messages in February
21 between Mr. Mujica and Ms. Boylan?

22 A. It was December, I'm sorry.

23 When Lindsey made her anybody
24 else claims on Twitter, Rob came to see me and
25 said, "Melissa, you have to see this."

1 He recalled that in the prior
2 March, she had made pretty direct threats
3 against the administration, and he believed
4 she was making good on the threats. And so he
5 came to show me the text message.

6 And in the course of that, I
7 said, "Is there anything else I should know?"
8 And he, like, scrolled back and was just
9 reading a bunch of them out loud.

10 Q. Okay. Let's put a pin in that
11 and come back to that in a few minutes.

12 A. Okay.

13 Q. And then you said that in the
14 course of this incident, you learned that
15 Ms. Boylan had told Mr. David that she
16 believed the conduct with **Senior Staffer #2** and
17 **Senior Staffer #3** went both ways. Is that right?

18 A. Yes.

19 Q. Okay. So were **Senior Staffer #2** and
20 **Senior Staffer #3** ever counseled after that?

21 A. I don't know.

22 Q. Who would have done that
23 counseling?

24 A. Alphonso.

25 Q. Did you ever ask for them to be

1 counseled?

2 A. No.

3 Q. Did you ever inquire as to what
4 Ms. Boylan meant that it went both ways
5 between her and Senior Staffer #2 and Senior Staffer #3?

6 A. No, but I understood it to mean
7 that to the extent that she thought
8 that -- that they thought that she was
9 disrespectful, she thought that they were
10 disrespectful.

11 Q. Right. So -- but you didn't
12 inquire as to what she -- what the basis was
13 for her believing they were disrespectful to
14 her?

15 A. No. At that point --

16 Q. Didn't ask anybody -- didn't ask
17 anybody to investigate that?

18 A. No. At that point she had quit.

19 Q. Right. But were you comfortable
20 with the idea that Senior Staffer #2 could have
21 been -- was potentially being disrespectful to
22 people?

23 A. Based on Lindsey's behavior
24 towards her assistants, her boss, people she
25 viewed as beneath her, people she viewed as

1 her contemporaries, I did not believe that
2 **Senior Staffer #2** was the problem.

3 Q. Okay. So you just decided that
4 Ms. Boylan was not right about that?

5 A. It wasn't my place to do that one
6 way or another. This was in the hands of
7 counsel.

8 Q. So would you have an expectation
9 that counsel was going to look into that
10 allegation?

11 A. If there was warranted follow-up,
12 I believe that they would do it, yes.

13 Q. Are you aware that they did look
14 into it?

15 A. I don't know.

16 Q. Did you ever ask?

17 A. No.

18 Q. Circling back, we had put a pin
19 in a conversation you had with **[REDACTED]**
20 related to Ms. Boylan **[REDACTED]**.

21 Tell us about that conversation.

22 A. I didn't have the direct
23 conversation with **[REDACTED]**. I don't remember
24 if it was Linda or Alphonso, but one of them
25 told me that **[REDACTED]** had received a complaint

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[REDACTED]

[REDACTED]

Q. So that was reported to you
either by Ms. Lacewell or Mr. David?

A. One of the two of them.

Q. Okay. And what were you told
about what was going to happen with that
allegation?

A. The concern at that point was,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And so we thought it was
important to ask the direct question and make
sure that she was aware of her rights.

Q. Did that happen?

A. Yes.

Q. And how do you know that that
happened?

A. Because it was reported back to
me.

Q. Okay. Who reported it back to
you?

1 A. Alphonso.

2 Q. What did he tell you?

3 A. [REDACTED]

4 [REDACTED]

5 and that he counseled Lindsey as to what was
6 in the employee handbook, places that she
7 could go to report, asked the direct question
8 if she had ever been the subject of harassment

9 [REDACTED]

10 [REDACTED], to which she unequivocally said
11 no, and wanted to make sure that she
12 understood that if there was any situation
13 going on that she had a safe space to report,
14 either through Alphonso, through ESD's
15 counsel, or directly to GOER.

16 Q. Have you seen any documents
17 related to that conversation?

18 A. Yes.

19 Q. And what documents have you seen?

20 A. There was a memo that was done
21 memorializing it.

22 Q. And who has that memo?

23 Mr. David?

24 A. The chamber. I don't know that
25 it's in Alphonso's possession.

1 Q. And you said [REDACTED]

2 the incident. Right?

3 A. Yes.

4 Q. And did [REDACTED] the

5 incident?

6 A. Yes.

7 Q. [REDACTED]

8 A. Yes.

9 Q. Did he speak to anyone else?

10 A. I don't think so.

11 Q. You don't think so, but are you

12 sure?

13 A. I don't think so.

14 Q. You're sure they spoke to -- they

15 didn't speak to anybody else?

16 A. That's not what I said. I said,

17 "I don't think so."

18 Q. Was that the end of that?

19 A. Yes.

20 Q. Did you ever have any

21 conversations with the governor about that?

22 A. No.

23 Q. Ever speak to anyone else in the

24 executive chamber about it?

25 A. No.

1 Q. Ever speak to anyone outside the
2 executive chamber about it?

3 A. No.

4 Are you talking about the rumors
5 about [REDACTED] or about that
6 specific incident?

7 Q. I'm talking about that specific
8 incident.

9 A. No.

10 Q. And when was that?

11 A. Actually, I don't know that
12 that's right.

13 Q. Let's pause and we'll come back
14 to that.

15 When was that incident when
16 Mr. David told you that there -- or
17 Ms. Lacewell told you that there was this
18 allegation made about [REDACTED]
19 [REDACTED]

20 A. It was either December or January
21 of 2017, 2018. Whatever the date is on the
22 memo, they were -- we took action pretty
23 quickly.

24 Q. When was the last time you looked
25 at that memo, other than with your counsel in

1 preparing for today?

2 A. Not in years. I don't even know
3 that I saw it at the time.

4 Q. When was the first time you saw
5 it?

6 A. In preparation.

7 Q. You just made reference to rumors

8 [REDACTED]

9 What are those rumors?

10 A. There were rumors that [REDACTED]

11 [REDACTED]

12 Q. Okay. Did you do anything about
13 those rumors?

14 A. Exactly what I just told you.

15 Q. Other than the incident involving
16 [REDACTED], was -- did the rumor have any facts
17 to it?

18 A. No, it was just general chatter.

19 Q. Okay. So what led to the
20 conversation about -- with Mr. David was
21 actually a report from someone else?

22 A. Yes.

23 Q. Right? So did you ever do
24 anything about the rumors about [REDACTED]

25 [REDACTED]

1 A. No. I frankly thought that they
2 were mean.

3 Q. During Ms. Boylan's time in the
4 executive chamber or at ESD, were you aware
5 that she got flowers from the governor?

6 A. No.

7 MR. KIM: Can I ask a follow-up
8 question?

9 You had said that you might want
10 to correct something when Jen asked
11 whether you had spoken to anyone about
12 that incident.

13 THE WITNESS: When Lindsey
14 started tweeting in December, [REDACTED]
15 [REDACTED]. I believe a
16 reporter from the New York Post asked
17 about it.

18 And Azzopardi and I spoke about
19 it and said we're absolutely not
20 engaging in this.

21 MR. KIM: About what? About
22 the --

23 THE WITNESS: [REDACTED]

24 MR. KIM: They raised it, and you
25 said, "We're not talking about it"?

1 THE WITNESS: Yes.

2 MR. KIM: Had you spoken to
3 anyone else within the executive chamber
4 about the rumors generally [REDACTED]
5 [REDACTED]?

6 THE WITNESS: No. I thought it
7 was really mean.

8 MR. KIM: Mean in what way?

9 THE WITNESS: Mean in the way
10 that who knows if it was true or not
11 true. [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] And I didn't want to
17 be a part of spreading that.

18 BY MS. KENNEDY PARK:

19 Q. So I think before Mr. Kim asked
20 you those questions, I'd asked you if you're
21 aware that Ms. Boylan ever received flowers
22 from the governor.

23 A. Can I answer that question in a
24 nuanced way?

25 Q. Sure.

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1 MR. HECKER: Just the answer.

2 A. I did not know specifically
3 Lindsey, but he has a tradition of sending out
4 flowers to the women on the second floor on
5 Valentine's Day.

6 Q. Prior to February 22 --
7 February 24 of 2021, were you aware that
8 Ms. Boylan was a recipient of flowers from the
9 governor --

10 A. Not specifically.

11 Q. You've got let me finish.

12 A. Oh, I'm sorry.

13 Q. It's okay.

14 A. Not specifically.

15 Q. And you said he has a tradition
16 of sending flowers to everyone on the second
17 floor on Valentine's Day?

18 A. Yeah.

19 Q. Everyone or just women?

20 A. Women. The mansion staff does it
21 pretty automatically at this point. I think
22 it was actually a Sandra idea at the
23 beginning.

24 Q. There's actually no question
25 pending. So just hold up, okay?

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1 A. Sorry.

2 Q. During Ms. Boylan's time at the
3 executive chamber or at ESD, were you aware
4 that she had traveled to Puerto Rico with the
5 governor?

6 A. I think I was on that trip.

7 Q. Okay. And what was that trip
8 for?

9 A. I don't remember. Hurricane
10 recovery, I'm sure.

11 Q. Did you see her engage with the
12 governor on that trip?

13 A. Not that I recall.

14 Q. Did she fly with you?

15 A. I don't remember.

16 Q. Any other occasions in which
17 you're aware that Ms. Boylan traveled with the
18 governor?

19 A. I don't think so. I mean, other
20 than, like, when he would fly to Buffalo to do
21 a press conference.

22 Q. Are you aware that Ms. Boylan
23 flew to Buffalo with the governor for press
24 conferences?

25 A. Yes, she flew all over the state

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1 for press conferences.

2 Q. And some of those trips were with
3 the governor?

4 A. Yes.

5 Q. In the helicopter?

6 A. Some in the helicopter, some in
7 the King Air.

8 Q. When you say "King Air," you mean
9 the plane?

10 A. It's a prop plane, generously.

11 Q. How many times are you aware of
12 Ms. Boylan traveling with the governor either
13 on the helicopter or on the plane?

14 A. I don't know.

15 Q. More than a dozen?

16 A. Probably. The governor travels a
17 lot.

18 Q. Are you aware of an occasion on
19 which Ms. Boylan was involved in planning an
20 event for the Regional Economic Development
21 Awards?

22 A. I am.

23 Q. Okay. And what was her role in
24 that?

25 A. She was the dep sec for economic

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1 development. She was Howard's chief of staff.
2 So as a result, she would be playing a lead
3 role in that.

4 Q. So by "lead role," do you mean
5 she was, kind of, planning and organizing the
6 event?

7 A. Not the logistics, per se, but
8 the substance.

9 Q. By "substance," who gets the
10 awards?

11 A. There's a grading process. Each
12 region of the state has to turn in their list
13 of projects, and then each region is awarded a
14 certain amount of money based on the substance
15 of the project, how many jobs they believe
16 they're going to create, et cetera.

17 Q. Where are the awards hosted?

18 A. In Albany.

19 Q. And when Ms. Boylan was there,
20 who was the MC or host of the awards?

21 A. There's a different one every
22 year.

23 Q. Okay. Who was the -- who were
24 the ones that hosted when Ms. Boylan was a
25 member of the ESD or the executive chamber?

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1 A. Generally speaking, it would be a
2 news anchor. One time it was a local person
3 from the Albany area. One -- I think one or
4 two times it was Maria Bartiromo. And I don't
5 remember the rest.

6 Q. Do you remember who the local
7 person was?

8 A. I don't. Teresa something, I
9 think.

10 Q. Do you remember whether
11 Ms. Boylan traveled with the governor and
12 Ms. Bartiromo for that event?

13 A. Only in the context of a recent
14 news inquiry.

15 Q. And tell us about that news
16 inquiry.

17 A. Ronan Farrow -- I believe it was
18 Ronan Farrow; there were a lot of press
19 stories in the spring -- said that she claimed
20 that she felt degraded, that she was going to
21 fly on the plane instead of stay back and talk
22 to people.

23 Q. And, sorry, just to flesh that
24 out. She felt -- she -- Mr. Farrow told you
25 that Ms. Boylan felt degraded that she was

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1 going to fly on the plane back from Albany?

2 A. Yes.

3 Q. To New York City?

4 A. To be clear, I never had a direct
5 conversation with Ronan Farrow. He had that
6 conversation with Peter Ajemian.

7 Q. And then it was related to you?

8 A. Yes.

9 Q. Okay. And after that
10 conversation was related to you -- by
11 Mr. Ajemian. Is that right?

12 A. Mm-hmm.

13 Q. -- what did you do to look into
14 that allegation?

15 A. Asked Annabel. And -- I don't
16 think we talked to Jill about it. Asked
17 Annabel.

18 Q. Annabel Walsh?

19 A. Yes.

20 Q. Why'd you ask Annabel?

21 A. I believe her allegation in the
22 Ronan Farrow article was specific to Annabel,
23 that Annabel had made her fly on the plane.

24 Q. That Annabel --

25 A. Or had told her she was supposed

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1 to fly on the plane, and that she was upset
2 about that and let that be known.

3 Q. Okay. And who spoke to
4 Ms. Walsh?

5 A. I did. Peter did. I think we
6 conferenced her into a call we were doing
7 about the article.

8 Q. Who else was on the call?

9 A. There was sort of a revolving
10 group of people that were involved in press
11 responses, so I don't want to give you a
12 complete list because I may be wrong, but
13 certainly me, Peter, Rich, probably Lis,
14 probably Jeff -- and I'm sorry. Lis Smith,
15 Jeff Pollack. Probably Josh Vlasto. Some
16 iteration of that group.

17 Probably -- and then we would
18 always have the lawyers on, so either Linda,
19 Beth, Judy, some iteration of the legal team.

20 Q. And what did Ms. Walsh say about
21 that allegation?

22 A. That she didn't -- I don't
23 remember. I don't remember specifically. I
24 can tell you what my takeaway was, but I don't
25 remember what words she used.

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1 Q. Okay. Do you remember any words
2 she used?

3 A. I don't. I don't.

4 Q. How about any documents she
5 pointed you to?

6 A. I think that we pulled the flight
7 log to see if she was even on the plane, and
8 she wasn't even on the plane, and so we were
9 all sort of confused by that.

10 Q. Was the allegation that she had
11 been on the plane?

12 A. The way it was presented by Ronan
13 Farrow led us to believe that that's what she
14 was saying.

15 Q. That's not ultimately what she
16 said. Right?

17 A. Well, we went back and said, "She
18 wasn't even on the plane, so what are you
19 talking about?"

20 And then I think he came back and
21 said, "Well, that wasn't the issue. It was
22 that she was being told that she was supposed
23 to fly on the plane."

24 Q. Okay. And so what was your
25 takeaway from Ms. Walsh?

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1 A. That it was not an issue.

2 Q. And what do you mean by "it was
3 not an issue"?

4 A. It wasn't something that rose to
5 a level where she even remembered the
6 conversation, that it's possible that she said
7 to Lindsey, "I need you on standby potentially
8 to fly with the governor and Maria down to the
9 city."

10 She was the substance lead, it
11 was economic development. "You're with a very
12 important person who just hosted these
13 awards." But, ultimately, the governor
14 decided who was flying and didn't ask for
15 Lindsey.

16 Q. And that's what Ms. Walsh
17 reported to you?

18 A. That was her recollection.

19 Q. That she didn't really remember
20 it?

21 A. It was like we were putting it
22 together based on the flight logs and trying
23 to think back through how it would have gone.

24 Q. Okay. So you thought about how
25 it would have gone, but she -- did Ms. Walsh

July 05, 2021

1 actually remember how it did go?

2 A. I don't -- that's what I'm
3 telling you. I don't remember specifically
4 the words that she used, but that was the
5 takeaway from it.

6 Q. Has there ever been, to your
7 knowledge, any concern expressed by anyone
8 about the governor being alone on a flight
9 with Ms. Baroma -- or I'm sorry, I can't
10 remember her name.

11 A. Bartiromo?

12 Q. Bartiromo.

13 A. Not that I recall specifically.
14 They were good friends.

15 Q. Okay. Was there --

16 A. They are good friends.

17 Q. Was there any concern expressed
18 ever, to your knowledge, about Sandra Lee
19 finding out that the governor had traveled
20 with Maria Bartiromo?

21 A. No. And the flight logs are
22 public.

23 Q. Are you aware of any documents
24 that expressed a concern about Sandra Lee
25 finding out that the governor was traveling

July 05, 2021

1 with Ms. Bartiromo?

2 A. I don't think so.

3 Q. You said your takeaway was that
4 the governor ultimately decided who traveled
5 with him. Is that because the governor always
6 decides who travels with him?

7 A. He can have opinions, cannot have
8 opinions. It depends on the day.

9 Q. Okay. And did Ms. Walsh convey
10 to you that she had a specific recollection of
11 the governor having an opinion about the
12 flight from Albany to New York with
13 Ms. Bartiromo?

14 A. What I remember was that she had
15 what she thought -- again, and I don't
16 remember if this was a specific
17 recollection -- that she had asked Lindsey to
18 be on standby just in case, but then,
19 ultimately, the governor didn't ask anyone
20 else to fly.

21 Q. Okay. After Ms. Boylan left --

22 MS. KENNEDY PARK: Well, before I
23 transition to asking about after she
24 left the executive chamber, Ms. Clark or
25 Mr. Kim, do you have any questions about

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1 her time during the executive chamber?

2 Okay.

3 Q. After Ms. Boylan left the
4 executive chamber, she ran for congress.
5 Right?

6 A. Yes.

7 Q. What seat did she run for?

8 A. I don't know the number. I think
9 it's New York 18. It was against Jerry
10 Nadler.

11 Q. Okay. How did you become aware
12 that Ms. Boylan was intending to run for Jerry
13 Nadler's seat?

14 A. I don't remember. It may have
15 just been on Twitter. I don't remember.

16 Q. Okay. Did you ever speak to
17 anyone about the fact that Lindsey Boylan was
18 running for Mr. Nadler's seat?

19 A. I'm sure I did.

20 Q. Okay. Who did you talk to?

21 A. I don't remem- -- like no one
22 conversation sticks out specifically.

23 Q. Did you talk to anybody in -- I'm
24 going to call it Nadler's camp -- about
25 Ms. Boylan?

1 A. Yes.

2 Q. Okay. Who did you talk to?

3 A. [REDACTED].

4 Q. Can you spell her last name for
5 the court reporter?

6 A. [REDACTED]

7 Q. Okay. And who's [REDACTED]?

8 A. Jerry Nadler's chief of staff.

9 Q. Okay. When was this
10 conversation?

11 A. I don't remember. I imagine
12 either right before or shortly after she
13 declared. But I don't remember what month
14 that was.

15 Q. So you were aware before she
16 declared that she was seeking --

17 A. I don't -- I don't remember. I
18 think that was --

19 MR. HECKER: Wait.

20 A. Sorry.

21 Q. It's okay. Were you aware before
22 Ms. Boylan declared she was running for
23 Mr. Nadler's seat that she was intending to
24 declare?

25 A. I don't remember, because

1 oftentimes what happens is people will put
2 out, you know, leaks on purpose so that you,
3 like, draw out a press cycle. And that will
4 happen before someone officially does the
5 podium press conference I'm running.

6 So I just don't remember where in
7 that calendar that happened.

8 Q. Okay. So tell us what you
9 remember about the conversation with
10 [REDACTED].

11 A. That [REDACTED] reached out and asked
12 what I -- if I knew what was going on, why was
13 a Cuomo person running against Jerry? Were we
14 going to get involved in the race?

15 Q. [REDACTED] reached out to you?

16 A. Yes.

17 Q. Okay. What did you tell her?

18 A. I said, "I don't know what to
19 tell you, [REDACTED] like, I can't tell Lindsey not
20 to run. I wouldn't tell Lindsey not to run.
21 I don't have any sort of relationship with
22 her."

23 Q. Did you say anything else about
24 her?

25 A. That was basically it, that I

July 05, 2021

1 recall.

2 Q. Do you recall speaking at all
3 about Ms. Boylan's competency?

4 A. No.

5 Q. Speaking about her character?

6 A. No.

7 Q. Speaking about the circumstances
8 under which she left the executive chamber?

9 A. No.

10 Q. Speaking about the fact that
11 there was a file?

12 A. No.

13 Q. Did you speak to anyone else who
14 had connections --

15 A. Wait, let me back up. I think I
16 said to her -- in the context of me saying,
17 like, look, I can't get involved, like she --
18 like, she didn't leave on great terms, like,
19 this isn't the kind of thing where I can,
20 like, pick up the phone.

21 Q. Did you say anything else about
22 the circumstances under which Ms. Boylan left
23 the executive chamber?

24 A. Not that I recall.

25 Q. After the conversation with

1 [REDACTED], did you relay that information --
2 or that conversation to anybody in the
3 executive chamber?

4 A. I don't remember if I said
5 something to -- no, I didn't. I was thinking
6 if I said something to someone at the state
7 party, but that's not the executive chamber.

8 Q. Did you say something to somebody
9 at the state party?

10 MR. HECKER: See what you did
11 there?

12 A. I may have. I may have said
13 something to the executive director.

14 Q. Okay. Who is the executive
15 director?

16 A. Now, it's Jay Jacobs. I can't
17 remember who it was at the time.

18 Q. Okay. And what do you recall you
19 may have said?

20 A. There's always conversations
21 about the interparty challenges. And so I
22 think I said something to the effect of,
23 "Heads up, Jerry's not happy."

24 Q. And how did you come to
25 understand that Jerry Nadler wasn't happy?

1 A. It was the conclusion I drew
2 based on my conversation with [REDACTED]

3 Q. Is there something specific
4 [REDACTED] had said that made you understand
5 that Mr. Nadler wasn't happy?

6 A. I don't think anyone likes --

7 Q. -- Mr. Nadler?

8 A. -- a primary challenge. It had
9 nothing to do specifically with Lindsey.

10 Q. Do you recall speaking to anybody
11 else about Ms. Boylan's run for congress?

12 A. I spoke to [REDACTED]
13 because he told me she came to see him and ask
14 his advice. Other than that, nothing
15 specific.

16 Q. And what did you talk about with
17 [REDACTED]?

18 A. He said, "She came to see me and
19 asked for advice. I said, 'Jerry' -- like,
20 "'tell me your justification. Why are you
21 running? Like Jerry's a good member of
22 congress.'"

23 Like convince me, you know, pitch
24 me kind of thing. And that she just kept
25 coming back to it's time for new energy and

1 fresh blood. And he was like, "That's not
2 enough for me."

3 And so he just relayed back to me
4 that he wasn't particularly impressed, and
5 that it didn't seem like there was a real
6 justification that would be sellable in a
7 campaign.

8 Q. Is your recollection that
9 [REDACTED] reached out to you to convey
10 this conversation?

11 A. Not specifically. [REDACTED] and I
12 are good friends, we talk all the time.

13 Q. Do you remember how Ms. Boylan
14 came up in the conversation?

15 A. I think he said, "Oh, hey, I sat
16 with Lindsey Boylan, and she used to work for
17 you."

18 Q. And did you say anything in
19 response?

20 A. No.

21 Q. Did you tell him anything about
22 Ms Boylan's time in the executive chamber?

23 A. No.

24 Q. Did you tell him any of your
25 personal opinions about Ms. Boylan?

1 A. No.

2 Q. In the context of Ms. Boylan
3 running for congress, did you share your
4 personal opinions of her with anyone?

5 A. Not that I recall.

6 Q. And in the context of Ms. Boylan
7 running for congress, other than telling
8 [REDACTED] that she didn't leave the executive
9 chamber on the best terms, did you share any
10 opinions about her work performance with
11 anyone?

12 A. No, not that I recall.

13 Q. Let's look at Tab 10 in your
14 binder.

15 MS. KENNEDY PARK: We're marking
16 this as the next exhibit.

17 (Exhibit 10, Text message
18 including Melissa DeRosa, Rich
19 Azzopardi, and Annabel Walsh dated April
20 20, 2019, marked for identification, as
21 of this date.)

22 Q. So if I've done this right, this
23 is a text message from you to Jill DesRosiers,
24 Rich Azzopardi, Annabel Walsh, Stephanie
25 Benton, Jim Malatras, Dani Lever, Robert

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1 Mujica, Beth Garvey, Peter --

2 A. I don't know that I'm looking at
3 the right thing. I'm sorry.

4 Q. I think you are. Yup, look at
5 the first page.

6 A. Okay.

7 Q. Flip back.

8 MR. HECKER: She's asking you to
9 look at the first page.

10 Q. Flip back. Right at the top.
11 See it?

12 A. Okay.

13 Q. There you go. That's what I was
14 looking at.

15 A. Okay.

16 Q. So we're agreed that this is a
17 text message from you to that group I just
18 named?

19 A. Yes.

20 Q. And this is from April 20, 2019.

21 A. Okay.

22 Q. And you appear to have attached a
23 screenshot that has been heavily redacted.

24 Who are the parties in this
25 e-mail?

1 A. I have no idea. I have no idea.

2 Q. The bottom e-mail on February 28,
3 2019, where it says:

4 "I was disappointed to read that
5 you floated your name as a primary
6 opponent to Jerry Nadler. It's a shame
7 that you did not listen to me."

8 A. I don't know who sent that.

9 Q. Is that you who sent it?

10 A. I don't think so. I don't think
11 so.

12 Q. Okay. Is it [REDACTED]?

13 A. I don't think so.

14 Q. It says:

15 "If you run, I seriously doubt
16 you will reach the 11 percent level his
17 last opponent did."

18 Do you understand what that
19 meant?

20 A. I understand what it means based
21 on reading this text, but ...

22 Q. How did this get to you?

23 A. I don't know.

24 Q. Well, did you -- do you recall
25 why you sent it to this group?

1 A. I don't.

2 Q. Did you ask anybody in this group
3 to do anything in response to this e-mail?

4 A. I don't think so.

5 Q. You can put that aside.

6 A. Did I send this text message?

7 Q. This is a text message on the
8 first page, it's from you.

9 A. No, I get it, but I'm saying
10 this.

11 Q. This is the attachment you sent.

12 A. But I don't know who sent it -- I
13 don't recall who sent it.

14 Q. Right. That's why I'm asking you
15 because I don't know either.

16 A. Yeah, I don't know. No, and
17 certainly not [REDACTED]. I don't know.

18 Q. Why do you say it's certainly not

19 [REDACTED]

20 A. Because that's not his style.
21 That's -- he would never write something like
22 that.

23 Q. What do you mean "he would never
24 write something like that"?

25 A. He's like a very classy, nice

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1 guy. He wouldn't write that.

2 Q. So you think this is not classy?

3 A. I just -- he wouldn't ever
4 communicate with her like that. He -- I don't
5 think he ever communicated with her again. I
6 have no idea who that's from.

7 MR. HECKER: That's the question.

8 MS. KENNEDY PARK: I have no
9 sense of what time it is. Okay, it's
10 3 o'clock. So we've been going for -- I
11 don't know how long. Do you want to
12 take a break? We're going to shift.

13 MR. HECKER: Do you want to take
14 a break?

15 THE WITNESS: Do you want take
16 like three minutes, just run to the
17 bathroom?

18 THE VIDEOGRAPHER: The time is
19 2:59 p.m. This concludes Media 6. Off
20 the record.

21 (Recess taken from 2:59 p.m. to
22 3:08 p.m.)

23 THE VIDEOGRAPHER: The time now
24 is 3:08 p.m. This begins Media 7. On
25 the record.

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1 BY MS. KENNEDY PARK:

2 Q. Ms. DeRosa, do you know someone
3 by the name of Charlotte Bennett?

4 A. Yes.

5 Q. How did you know Ms. Bennett?

6 A. She worked in the executive
7 chamber.

8 Q. How did she come to work in the
9 executive chamber?

10 A. I don't know.

11 Q. Do you know who hired her?

12 A. I don't -- I don't know.

13 Q. What was her first role in the
14 executive chamber?

15 A. I believe it was briefer.

16 Q. Did she ever change roles?

17 A. Yes.

18 Q. And what role did she change to?

19 A. She went to go work on the health
20 team.

21 Q. Before she went to work on the
22 health team, did she have any role other than
23 briefer?

24 A. I don't think so.

25 Q. Was she ever a senior briefer?

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1 A. I don't know.

2 Q. Did she ever staff the governor?

3 A. Yes.

4 Q. Okay. And then was that a
5 different role than being a briefer?

6 A. They're, sort of,
7 interchangeable.

8 Q. Okay. Can you explain that to
9 me? What are the responsibilities of a
10 briefer?

11 A. A briefer is someone who compiles
12 research, documents, relevant information for
13 the governor, for events, phone calls,
14 meetings.

15 So they're relatively junior but
16 generally smart, ambitious, hard-working, and,
17 if need be, if there are certain people
18 that -- certain of the briefers that -- I
19 don't really know how to say this, who are
20 just generally, like, do well with the
21 governor, then we'll ask them to help pitch in
22 and staff if we're short-staffed with the
23 executive assistant pool.

24 Q. You said you weren't sure how to
25 say it, but you said, "do well with the

1 governor."

2 Can you help me understand what
3 that means?

4 A. Sure. It's, sort of, what I said
5 to you before, there are certain people that
6 do interact better with the governor, people
7 who are assertive, people who are obviously
8 competent, people who, if he gives a task to,
9 they perform the task diligently and well.

10 And so if there are people like
11 that, who at different times EA#2 or
12 EA#3 -- Executive Assistant #2 or Executive Assistant #3 or
13 Stephanie Benton, if they were short-staffed
14 and they would, you know, need to pull
15 someone, occasionally, a briefer would come
16 help the staff, which meant answering the
17 phones, taking dictation, you know, running
18 down documents, typical administrative work.

19 Q. So when I used the term staffing
20 the governor, did you understand me to mean
21 doing that typical administrative work?

22 A. Yes.

23 Q. So at some point, did you
24 understand that Mr. Bennett was both a briefer
25 and doing that typical administrative work?

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1 A. Yes.

2 Q. And did that mean that
3 Mr. Bennett was one of the people that
4 interacted well with the governor?

5 A. Yes.

6 Q. Did you ever observe her
7 interacting with the governor?

8 A. Yes -- yes and no. I would -- we
9 would generally cross paths.

10 Q. By "cross paths," you mean, she's
11 coming out of the office, you're going into
12 the office kind of thing?

13 A. Exactly.

14 Q. Were you ever in the governor's
15 office at the same time as Ms. Bennett?

16 A. Not that I recall specifically.
17 Once during COVID, I got there at like seven
18 in the morning, and she was in the office, and
19 I walked in to say hello, and as I was walking
20 in to say hello, she was leaving.

21 Q. So your typical crossing paths?

22 A. Yes.

23 Q. So there were no occasions in
24 which you were -- observed in any meaningful
25 way Charlotte Bennett interacting with the

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1 governor?

2 A. Not that I recall.

3 Q. Did you ever talk to the governor
4 prior to December of 2020 about Charlotte
5 Bennett?

6 A. Yes.

7 Q. And tell us about those
8 conversations.

9 A. Charlotte, on that instance that
10 I mentioned when I was walked into the office
11 as she was walking out, he said to me, "Did
12 you know that she started a sexual assault
13 nonprofit? You should get her involved in the
14 Council on Women and Girls."

15 Q. And that was on the occasion when
16 it was 7 a.m.? This was during COVID?

17 A. Yes.

18 Q. And did you ask him how he came
19 to understand that Ms. Bennett had started a
20 sexual assault nonprofit?

21 A. No.

22 Q. Are there any other occasions on
23 which you, prior to December of 2020, spoke to
24 the governor about Charlotte Bennett?

25 A. Prior to December of 2020? In

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1 June of 2020, end of June, early July.

2 Q. Prior to June, July of 2020, did
3 you have any conversations with the governor
4 about Charlotte Bennett?

5 A. Not that I recall.

6 Q. At some point, did Ms. Bennett --
7 Ms. Bennett worked in which office when she
8 started?

9 A. I don't know.

10 Q. Do you generally know where the
11 briefers are located?

12 A. No.

13 Q. Do the briefers deliver a
14 briefing book to the governor?

15 A. Yes.

16 Q. Is that something that happens
17 daily?

18 A. Yes.

19 Q. Is that dropped off wherever the
20 governor is located when the briefing book is
21 completed?

22 A. Yes.

23 Q. Does that mean it can be dropped
24 off at the mansion sometimes?

25 A. Yes.

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1 Q. Is there a protocol -- prior to
2 June or July of 2020, was there a protocol for
3 dropping off anything at the executive mansion
4 for the governor?

5 A. Not that I was aware of
6 specifically.

7 Q. Okay. Were you aware generally
8 of a protocol for dropping things off at the
9 executive mansion for the governor prior to
10 June or July of 2020?

11 A. Not really. It wasn't really my
12 lane.

13 Q. You were generally aware of any
14 protocols about staff going to the executive
15 mansion prior to June or July of 2020?

16 A. So there was one instance in
17 which the governor reached out to Jill, and
18 Stephanie was upset that he had been in the
19 mansion alone and he just, like, happened upon
20 a briefer dropping off a binder.

21 And so, at that time, Annabel --
22 he basically said, this can never happen
23 again. So Annabel, Stephanie, and Jill came
24 up with a protocol where, if any staff came to
25 the mansion, they would pin Jill, Annabel,

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1 Stephanie, me, and CC the detail and say, such
2 and such is here, permission to enter. And
3 generally, either Stephanie or I would respond
4 and say, you know, permission to enter.

5 And the assumption was that one
6 of us would give the governor a heads up so
7 that he knew if there was someone on the
8 premises so that that incident wouldn't happen
9 again.

10 Q. When was that incident?

11 A. I don't remember.

12 Q. But it was before June or July of
13 2020?

14 A. Yes.

15 Q. So what was the concern that the
16 governor had?

17 A. He's like, you know, this is my
18 house. If I'm wandering around my house, it's
19 not appropriate that I just bump into a staff
20 person.

21 Q. Okay. So the protocol became
22 that when any staff went to the mansion, you,
23 Annabel, Stephanie, and Jill DesRosiers would
24 get a pin from the PSU to alert you to that
25 happening?

1 A. Whoever was in the front gate.

2 Q. Did that protocol cover every
3 staff member?

4 A. No.

5 Q. Who didn't it cover?

6 A. It didn't cover me. It didn't
7 cover Stephanie. It didn't cover the mansion
8 staff, so [REDACTED], [REDACTED], whichever
9 chefs were on.

10 When Larry Schwartz was living in
11 the mansion during COVID, it didn't cover him.
12 When [REDACTED] was living in the mansion
13 during COVID, it didn't cover him.

14 The rationale was these were
15 people that he needed to be aware were on the
16 premises. Stephanie and I were the ones
17 generally granting the permission and being
18 the go-between, so it wasn't necessary with
19 the two of us.

20 When Larry was living there, the
21 assumption was he was constantly coming and
22 going. And the same with [REDACTED]. So the
23 governor didn't need to be made aware as they
24 were coming in and going out.

25 And the mansion staff had a set

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1 schedule, so he knew when to expect that they
2 would arrive and leave.

3 Q. So was the premise then that if
4 you were going to the executive mansion, you
5 would alert the governor yourself to that?

6 A. Correct. And same thing with
7 Stephanie.

8 Q. And were there discussions with
9 any members of the PSU about this protocol?

10 A. I believe Annabel and Stephanie
11 and Jill when we put it in place.

12 Q. And did you have any discussions
13 with the PSU about this protocol?

14 A. I don't think I did directly.

15 Q. Did you have any communications
16 with the PSU about this protocol?

17 A. I don't think directly. I think
18 it went through Stephanie, Annabel, and Jill,
19 some iteration of that group. I was obviously
20 aware of it.

21 Q. Did you become aware of any
22 concerns that the PSU had expressed to
23 Stephanie, Annabel, or Jill about this
24 protocol?

25 A. No.

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1 Q. Did you become aware ever that
2 the PSU had expressed that they should be
3 pinning about your and Ms. Benton's entries
4 and exits to the executive mansion as well?

5 A. No.

6 Q. We went on a little tangent
7 there, so let's go back to Charlotte Bennett.

8 So there were occasions in which
9 Ms. Bennett dropped off the briefing book at
10 the mansion. Is that right?

11 A. Yes.

12 Q. So you didn't know where her
13 office was.

14 Did you understand that at some
15 point she had moved to Albany during COVID?

16 A. Not at the time.

17 Q. When did you come to that
18 understanding?

19 A. In June.

20 Q. Okay. Prior to June, July of
21 2020, had anyone raised any concerns to your
22 attention about Ms. Bennett's interactions
23 with the governor?

24 A. No.

25 Q. Had anyone told you that the

1 governor was flirting with Ms. Bennett?

2 A. No.

3 Q. Had anyone told you that the
4 governor had been observed flirting and
5 giggling with Ms. Bennett in his office?

6 A. No.

7 Q. Had anyone told you that the
8 governor was alone in his office with
9 Ms. Bennett?

10 A. No, but I'm generally pretty
11 observant. I know when people are back there
12 because we share an office suite.

13 Q. Are you always in your office
14 when the governor is in the office?

15 A. Most -- 99 percent of the time.

16 Q. Were there occasions in which you
17 knew that Ms. Bennett was alone with the
18 governor in his office?

19 A. Yes.

20 Q. Who are the other people who you
21 have observed or come to know were alone in
22 the governor's office with him other than
23 yourself and Ms. Bennett?

24 A. Rob Mujica, Beth Garvey, [REDACTED]
25 [REDACTED] Rich Azzopardi, Dani Lever. I mean,

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1 Peter Ajemian. All senior staff at various
2 points, and sometimes support staff when they
3 are taking dictation.

4 Q. By "support staff," you mean the
5 briefers or the executive assistants?

6 A. Correct.

7 Q. Okay. So it sounds like it's not
8 uncommon for members of the staff to be alone
9 with the governor in his office?

10 A. Correct.

11 Q. Did you ever prior to June or
12 July of 2020 observe an occasion on which
13 Ms. Bennett was upset in the office?

14 A. No.

15 Q. Did you ever observe her crying?

16 A. No.

17 Q. Did you ever hear Ms. Bennett
18 sing?

19 A. Not that I recall.

20 Q. Did you ever hear the governor
21 sing in the office?

22 A. Constantly.

23 Q. Constantly. What does he sing?

24 A. Random Italian songs. He sings
25 Billy Joel. He sings, you know, a million

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1 different songs. He has this, like, baritone
2 voice.

3 Q. Does he sing Meat Loaf songs?

4 A. Yes.

5 Q. "Paradise by the Dashboard
6 Light?"

7 A. Yes.

8 MR. HECKER: Is that what it's
9 called?

10 MS. KENNEDY PARK: Yes. I'm that
11 good.

12 Q. Does he sing Danny Boy?

13 A. Yes.

14 Q. Often?

15 A. It was a thing with him and Dani
16 Lever, but yes.

17 Q. And tell us what the thing was
18 with him and Dani Lever?

19 A. He would sing it to her, and she
20 would sing it back to him and, you know, that
21 was, like, their -- it was just, like, a
22 little thing between the two of them.

23 Q. Did you ever observe anyone else
24 singing Danny Boy with the governor?

25 A. Sure.

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1 Q. Who?

2 A. I can't remember anyone
3 specifically.

4 Q. But you're sure you have, other
5 than Ms. Lever?

6 A. He just sang it all the time. So
7 I don't remember a specific person. I know
8 obviously from press inquiries, but ...

9 Q. Any occasions in which you
10 observed the governor asking someone to sing
11 for him?

12 A. Not that I recall. Nothing
13 specific.

14 Q. So I'm guessing you do not recall
15 an occasion in which the governor asked
16 Ms. Bennett to memorize the lyrics to Danny
17 Boy and to sing it?

18 A. Not that I recall.

19 Q. And it sounds like you don't
20 recall watching that occasion and describing
21 it as hazing?

22 A. No.

23 Q. Is there any occasion in which
24 you've observed something in the executive
25 chamber that you would describe as hazing?

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1 A. No, not specifically.

2 Q. Generally?

3 A. No.

4 Q. Can you recall any occasion on
5 which you used the word "hazing" to describe
6 something you witnessed in the executive
7 chamber?

8 A. No, not that I recall.

9 Q. Were there any concerns raised
10 about Ms. Bennett having too many
11 responsibilities?

12 A. Not to me.

13 Q. Would you have been the person to
14 whom those concerns were raised?

15 A. Nope.

16 Q. Did Ms. DesRosiers ever speak to
17 you about Ms. Bennett having too many
18 responsibilities in the chamber?

19 A. Not that I recall.

20 Q. Did Ms. Walsh ever raise that
21 concern to your attention?

22 A. No.

23 Q. Did Ms. DesRosiers ever complain
24 to you about any of Ms. Bennett's job
25 performance?

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1 A. Not that I recall.

2 Q. Did Ms. Walsh ever complain to
3 you about Ms. Bennett's job performance?

4 A. Not that I recall.

5 Q. Let's look at what's at Tab 14.

6 MR. HECKER: Which tab?

7 MS. KENNEDY PARK: Tab 14.

8 (Exhibit 11, Text message change
9 including Melissa DeRosa, Stephanie
10 Benton, and Ms. DesRosiers dated
11 November 6, 2019, marked for
12 identification, as of this date.)

13 Q. So this is a text message chain
14 between you, Ms. Benton, Ms. DesRosiers, and
15 Ms. Walsh, on November 6, 2019. Do you see
16 that?

17 A. I do.

18 Q. And you see that it begins with
19 Ms. Benton saying, "Who can go with MCU
20 tomorrow?" Is MCU a reference to the
21 governor?

22 A. It's -- I'm trying to remember
23 what it stands for. Mobile control unit.

24 Q. Is it a reference to the
25 governor?

1 A. It's -- yes. When you travel
2 with the governor and he's still doing remarks
3 or preparing for a PowerPoint, it means that
4 you are responsible for bringing a laptop,
5 taking the dictation, and also bringing a
6 printer in case you need to print the document
7 out upon arrival.

8 Q. And so as you flip through this,
9 you will see it says, "To Puerto Rico or to
10 the plane?" It says "PR," meaning Puerto
11 Rico. And then Ms. Walsh says:

12 "I mean, I assume me because we
13 can't work Charlotte too hard, and S#3
14 is working on 57 PowerPoints, PPTs."

15 Do you see that?

16 A. I do.

17 Q. What did you understand about
18 Ms. Walsh's comment that, "We can't work
19 Charlotte too hard?"

20 A. I'm sure I didn't give two
21 seconds of thought to that text message.

22 Q. Do you ever hear anyone -- you
23 can put that away -- raise any concerns about
24 working Ms. Bennett too hard?

25 A. Not that I recall.

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1 Q. Did you ever hear the governor
2 raise concerns about how hard Ms. Bennett was
3 working?

4 A. Not that I recall.

5 Q. Did you ever hear about the
6 governor raising concerns about how hard
7 Ms. Bennett was working?

8 A. Not that I recall.

9 Q. Have you ever had anyone raise to
10 your attention concerns about anyone in the
11 executive chamber working too hard?

12 A. Sure.

13 Q. Who?

14 A. Brittany Commisso, Dani Lever,
15 Rob -- I mean, everyone.

16 Q. Everybody except Ms. Bennett?

17 A. Charlotte was not on my radar.
18 So to the extent that anyone was concerned
19 about how hard she was working, it wasn't
20 being conveyed to me in a meaningful way.

21 Q. And why was how hard Mr. Commisso
22 was working on your radar?

23 A. There was a pin conversation
24 about it that, frankly, I didn't think about
25 it at all at that time I previewed before

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1 coming here.

2 Q. But other than that pin
3 conversation, was Ms. Commisso on your radar?

4 A. In the last several months of
5 2020, yes, because she came to be one of my
6 executive assistants.

7 Q. Let's go back to Ms. Bennett. So
8 you said -- earlier, you told us that in June
9 or July, you became aware of concerns
10 Ms. Bennett was raising about interactions
11 with the governor.

12 How did you become aware of that?

13 A. Jill DesRosiers.

14 Q. And when was that?

15 A. Middle of June -- middle of June.
16 I don't remember the specific day.

17 Q. Middle of June 2020?

18 A. Yes.

19 Q. And how did Ms. DesRosiers
20 approach you? Was it phone, in person,
21 e-mail?

22 A. It wasn't e-mail. It was either
23 phone or in person, but I don't recall.

24 Q. Tell us what you recall about the
25 conversation with Ms. DesRosiers.

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1 A. That she reached out and said
2 that Charlotte had -- I don't remember if it
3 was came to see her or spoke to her, but said
4 that she was uncomfortable continuing to be a
5 briefer and that she wanted to move to the
6 health team to work on health policy.

7 Q. What else did Ms. DesRosiers tell
8 you?

9 A. That was it.

10 Q. Did she tell you why Ms. Bennett
11 was uncomfortable?

12 A. No.

13 Q. Did she tell you she was
14 uncomfortable being around the governor?

15 A. No.

16 Q. Did you ask her what she meant by
17 "uncomfortable"?

18 A. No.

19 Q. Why not?

20 A. It was COVID. There were a
21 million things going on, as I said. Like,
22 this is a very junior person, and so I didn't
23 spend any time on it. In retrospect, I should
24 have.

25 Q. And what did Ms. DesRosiers tell

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1 you she was going to do?

2 A. She said that she wanted to move
3 to a job on the health team that she had
4 previously experience in, and that she was
5 going to facilitate the transfer.

6 Q. And what did you say?

7 A. Okay.

8 Q. What did you understand about why
9 Ms. DesRosiers was bringing this to your
10 attention?

11 A. Jill generally makes me aware of
12 personnel changes in the chamber as like an
13 FYI.

14 Q. Even for someone who is not on
15 your radar?

16 A. Yeah.

17 MR. KIM: Can I ask a follow-up
18 question?

19 THE WITNESS: Sure.

20 MR. KIM: You said she didn't
21 tell you that she was uncomfortable
22 being around the governor. Is that
23 right?

24 THE WITNESS: Not that I recall.

25 MR. KIM: So you were just told

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1 that she was uncomfortable, period?

2 THE WITNESS: Yes. That she was
3 uncomfortable in her job.

4 MR. KIM: And that it had nothing
5 to do with the governor?

6 THE WITNESS: Not that I recall.

7 MR. KIM: So you -- to your
8 knowledge, your testimony is you had no
9 idea one way or the other whether it had
10 anything to do with the governor?

11 THE WITNESS: I didn't think
12 about it. I should have. I should have
13 asked.

14 MR. KIM: Whether you should have
15 or not, the question is simply: Your
16 testimony is that you had no idea one
17 way or the other whether her being
18 uncomfortable had anything to do with
19 the governor?

20 THE WITNESS: Not that I recall.

21 MR. KIM: And Ms. DesRosiers
22 didn't tell you that?

23 THE WITNESS: No, not that I
24 recall.

25 BY MS. KENNEDY PARK:

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1 Q. Ms. DesRosiers says that she did
2 in fact tell you that Ms. Bennett had said she
3 had an awkward encounter with the governor
4 that make her uncomfortable.

5 Was she telling the truth?

6 A. I don't think of Jill as a liar,
7 but I don't remember that.

8 Q. Do you have any reason to believe
9 that she would be lying about that?

10 A. I don't, but that's something
11 that I think I would have followed up on.

12 Q. Well, what did you do after you
13 had this conversation with Jill?

14 A. Nothing. She said she wanted to
15 transfer her, and I said okay.

16 Q. You didn't speak to the governor?

17 A. No, not that I recall.

18 Q. Were you aware that Judy Mogul
19 was involved at the time?

20 A. I came to know that. In real
21 time, I don't remember if I knew.

22 Q. So that conversation in mid-June,
23 the only person you talked to is Jill
24 DesRosiers? You don't ask anybody else what
25 happened with Charlotte Bennett?

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1 A. No.

2 Q. You don't tell anybody else that
3 Charlotte Bennett is transferring to the
4 policy team?

5 A. I think I mentioned it to
6 Stephanie.

7 Q. And what did you tell Stephanie?

8 A. FYI, Jill said that she -- that
9 Charlotte is moving over to the health team,
10 because she was someone that Stephanie would
11 sometimes pull in to do administrative work.

12 Q. Did Ms. DesRosiers ask you to
13 tell Ms. Benton?

14 A. I don't think so.

15 Q. Did you tell Ms. Benton why
16 Ms. Bennett was transferring to the health
17 policy team?

18 A. I don't think so.

19 Q. Did she ask you?

20 A. No, I don't think so. But it
21 wasn't uncommon for the briefers to -- like,
22 briefing was like a stepping stone to
23 someplace else. Nobody stayed in those jobs
24 forever.

25 Q. How long did you understand it

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1 was going to be between the conversation you
2 had with Ms. DesRosiers and when Ms. Bennett
3 was transferred?

4 A. I didn't.

5 Q. Did Ms. Benton ask you that?

6 A. I don't think so.

7 Q. After that conversation with
8 Ms. Benton, did you have any other
9 conversations about what you learned from
10 Ms. DesRosiers about Charlotte Bennett wanting
11 to transfer to the health policy team?

12 A. Not until weeks later, that I
13 recall.

14 Q. To your understanding, between
15 June 12 and June 29 of 2020, was the governor
16 informed about Ms. Bennett's transfer?

17 A. I believe he was, but I don't
18 remember how.

19 Q. And why do you believe that he
20 was?

21 A. Because we were doing a party for
22 the 111th briefing, and we were going through
23 who was going to be included on the list, and
24 he wanted to make sure that the kids were
25 invited, and I think Stephanie said she's not

1 working on the floor anyways.

2 She was a big part of COVID.

3 Include her, include S#2 include S#3

4 include [REDACTED]

5 Q. When was this conversation?

6 A. Either the day of or the day
7 before the last briefing. So call it June 18,
8 June 19.

9 Q. So it's your impression that as
10 of June 18 and June 19, the governor was not
11 aware that Ms. Bennett had left the briefing
12 team?

13 A. No. That's what I'm saying, I
14 think he was aware, but was saying, like, in
15 any event, make sure to include the people who
16 worked hard on COVID.

17 Q. And what is your understanding of
18 how he became aware that Ms. Bennett had moved
19 to the health policy team?

20 A. I don't remember. I don't know.

21 Q. You said -- someone said, "make
22 sure the kids were invited."

23 Who were "the kids"?

24 A. Like the young -- the junior
25 staffers. So Staffer #2, Staffer #3. It

1 wasn't just Charlotte, [REDACTED]. I think there
2 were a handful of the briefers.

3 Q. And, to your knowledge, was
4 Ms. Bennett invited to the party that
5 celebrated the 111th briefing?

6 A. Yes.

7 Q. You saw her there?

8 A. Yes.

9 Q. Did you interact with her there?

10 A. Yes.

11 Q. Tell us about that interaction.

12 A. After the governor and his
13 daughter went into the main house, a bunch of
14 senior staff left. And some people lingered,
15 and I stayed back and sat at a table outside
16 the pool house, and there were a handful of
17 people, and she was there.

18 Q. You sat at a table with her?

19 A. Mm-hmm.

20 Q. Okay. And tell us about what you
21 talked about.

22 A. We were joking around about the
23 last briefing, what was in the shot -- there
24 was a bobble head in the shot; everybody was
25 trying to figure out whose idea that was. It

1 was, like, very lighthearted conversation.

2 Q. Prior to that event, how many
3 times had you actually spoken to Ms. Bennett?

4 A. A handful.

5 Q. How long did your conversation
6 with her that evening last?

7 A. It wasn't with her. It was with
8 a group. And it was probably ten minutes.

9 Q. Where does **Executive Assistant #2** sit in
10 relation to your office?

11 A. Outside my office.

12 Q. Was she one of your executive
13 assistants?

14 A. Yes.

15 Q. And when you say outside your
16 office, how many feet are we talking?

17 A. 30. There's a good distance
18 between my desk to the door and then more
19 distance between the door to her.

20 Q. Do you know if she can hear you
21 on the phone?

22 A. I don't know. Sometimes I know
23 they listen in.

24 Q. When do they listen in?

25 A. If they connect a call, sometimes

1 they listen.

2 Q. Do you know if EA#2
3 connected you to the call you had with Jill
4 DesRosiers in the middle of June about
5 Charlotte Bennett?

6 A. I don't. I don't think she was
7 sitting outside then, but she was probably
8 sitting across the hall. For COVID, we had no
9 one sitting in that pen.

10 Q. What's the next involvement you
11 had with Charlotte Bennett after the party for
12 the 111th briefing?

13 A. I had a phone call from Jill
14 June 29 or 30 saying that a bunch of the
15 junior staffers, the kids, had been out the
16 night before, and Charlotte cried and said
17 something about the governor being
18 inappropriate with her. I don't remember if
19 the words were that she thought he hit on her,
20 but something to that extent.

21 Q. And what else did Ms. DesRosiers
22 tell you?

23 A. That's all that I remember,
24 specifically.

25 Q. And what did you say in that

1 conversation?

2 A. "Get Judy and figure out what's
3 going on."

4 Q. Did you ask her who else had been
5 with the kids that night?

6 A. I don't remember if I did in that
7 conversation, but I think I have a rough idea
8 of who was there. I don't remember in which
9 conversation I gleaned that information.

10 Q. Okay. Who was there?

11 A. Staffer #2, I think Staffer #3,
12 Staffer #4 I think. I think some of
13 the younger female briefers.

14 Q. Who are the younger female
15 briefers that you think were there?

16 A. I don't know their names. But
17 is one of them.

18 Q. What is 's last name?

19 A. I don't know.

20 Q. Is it ?

21 A. Yes.

22 Q. How did you come to learn that
23 S#2 S#3 S#4 and were with
24 Ms. Bennett that evening?

25 A. S#4 told Jill.

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1 Q. And then Jill told you?

2 A. Yes.

3 Q. So let's dial this back. So you
4 have a conversation with Jill, she says that
5 Charlotte had been with a group of people, and
6 said that the governor had been inappropriate
7 with her, and she may have said that the
8 governor hit on her. You told her to get Judy
9 and figure out what was going on.

10 Anything else you remember about
11 that conversation?

12 A. No.

13 Q. After that conversation, what did
14 you do next?

15 A. I don't remember if I spoke to
16 Judy also. I may have called Judy. I think I
17 called Judy.

18 Q. And what did you tell Judy?

19 MR. HECKER: I think that is
20 privileged.

21 Q. Were you asking Judy for legal
22 advice?

23 A. Yes.

24 Q. Who else did you call after that?

25 A. I don't think anyone else at that

1 point. I -- I don't think anyone else at that
2 point.

3 Q. What happens next?

4 A. Jill and Judy sat with -- I don't
5 know if it was on the phone or in person, but
6 they spoke to Charlotte for a number of hours.

7 Q. How did you come to know that?

8 A. Because they called me
9 afterwards.

10 Q. And in between them calling you
11 to tell you that they had met with Charlotte
12 Bennett for a number of hours and your
13 conversation with Judy Mogul that you've been
14 directed not to convey the substance of, did
15 you speak to anybody else about Charlotte
16 Bennett?

17 A. I think Stephanie.

18 Q. And what did you discuss with
19 Ms. Benton?

20 A. I told her about the S#4
21 conversation.

22 Q. So now let's go back. So how did
23 you learn about the S#4 conversation?

24 A. From Jill.

25 Q. And what did Jill tell you?

1 A. Exactly what I just told you,
2 that S#4 called her and said that they had
3 been out the night before, that Charlotte had
4 started to cry and said something about being
5 inappropriate and maybe that -- I can't
6 remember if she used the word "hit" on her,
7 but that's how I heard it.

8 Q. Did you take notes?

9 A. No.

10 Q. And what did Ms. Benton say?

11 A. She was shocked.

12 Q. And can you tell me what she said
13 that made you understand that she was shocked?

14 A. "What are you talking about?
15 That's crazy."

16 Q. Those were her words?

17 A. That was the sum and substance.
18 I don't remember verbatim.

19 Q. What was your reaction to being
20 told that Charlotte Bennett --

21 A. I was shocked.

22 Q. Can I finish the question?

23 A. Sorry.

24 Q. What was your reaction to being
25 told that Charlotte Bennett had said the

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1 governor had been inappropriate with her and
2 conveyed in substance that the governor had
3 hit on her?

4 A. I was shocked.

5 Q. Did you express that shock to
6 anyone?

7 A. To Jill, Judy, and Stephanie.

8 Q. What did you say to Jill?

9 A. "What's going on? I can't
10 believe this."

11 Q. What did you say to Stephanie?

12 A. Similar.

13 Q. Did you tell either of them that
14 it was ridiculous?

15 A. I don't think in that
16 conversation.

17 Q. Was there another conversation in
18 which you described it as ridiculous?

19 A. I don't know if I used that word,
20 but I had doubts.

21 Q. Why don't we get to the point
22 where you had doubts and you may have
23 described it as ridiculous.

24 So after -- anyone else? You
25 spoke to Stephanie Benton, you spoke to Jill

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1 DesRosiers, you spoke to Judy Mogul.

2 Did you speak to anyone else
3 between, let's call it mid-June and June 29
4 about Charlotte Bennett?

5 A. Linda.

6 Q. What did you discuss with Linda?

7 A. I don't remember where she fell
8 in the timeline. I think I spoke to her after
9 Judy and Jill had the first conversation. I
10 think that's when we looped her in, the
11 June 30.

12 Q. So let's come back to that in a
13 second. Between the middle of June and the
14 conversation that you became aware of that
15 Jill and Judy had with Charlotte, did you
16 speak to anybody else about Charlotte Bennett?

17 A. Not that I recall.

18 Q. Did you speak to the governor?

19 A. Not that I recall.

20 Q. Do you understand that anyone
21 spoke to the governor between mid-June and
22 June 29 about Charlotte Bennett?

23 A. Between mid-June and June 29
24 about Charlotte Bennett, that she had moved.

25 Q. Other than that?

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1 A. Not that I recall.

2 Q. Did you speak to Lis Smith?

3 A. No.

4 Q. Jeff Pollack?

5 A. No.

6 Q. Chris Cuomo?

7 A. No.

8 Q. Alphonso David?

9 A. Alphonso was looped in after the
10 Judy/Jill conversation with Charlotte.

11 Q. So You get a report on the
12 meeting between Charlotte Bennett and Judy and
13 Jill. What's the report?

14 A. I don't think I'm allowed to talk
15 about that.

16 MR. HECKER: Any discussion with
17 counsel, then the chamber is asserting
18 privilege.

19 MS. KENNEDY PARK: So our
20 understanding is that to the extent
21 you're seeking legal advice and legal
22 advice was conveyed, that you will not
23 disclose that, but to the extent that
24 facts were conveyed that had been
25 learned from Ms. Benton, that those are

1 not privileged.

2 MR. HECKER: So that's fine. So
3 just stick to the facts part.

4 THE WITNESS: Okay.

5 Q. So what did you learn from Judy
6 and Jill that Ms. Bennett had said happened
7 between her and the governor?

8 A. It was a very long resuscitation,
9 but essentially, that she had told the
10 governor that she was a victim of sexual
11 assault, that after she told him that she was
12 a victim of sexual assault, that they had a
13 long conversation in which the governor
14 disclosed that he had experience dealing with
15 sexual assault in his own family.

16 And she told him that she was --
17 I don't remember exactly the timeline, but
18 this is what I walked away with. She told him
19 that she had moved up for COVID, that she
20 didn't see her parents, that [REDACTED]
21 [REDACTED], that Hamilton college
22 rejected her claim around sexual harass --
23 around sexual assault, excuse me -- and that
24 she was in Albany and she was by herself and,
25 like, very isolated.

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1 And then it was, like,
2 fast-forward May, June, that they had had two
3 conversations that she felt uncomfortable
4 with, one was when she was writing a speech to
5 give at Hamilton college, and he said -- she
6 told him about the speech and then he said,
7 "I'm happy to look at it or read it or
8 something."

9 And she -- I don't know if she
10 showed him a printed copy or if she read it to
11 him, but that he listened to it, and that he
12 felt that she wasn't owning her story in a way
13 that she should be.

14 And she said -- or he said --
15 like, "You were raped, you were raped, you
16 were raped." And that she felt like he wasn't
17 saying it for her benefit, and that she was
18 shaken by that.

19 And that he said something to the
20 effect of, like, "I'll help you rewrite it,"
21 and that she didn't appreciate that. It felt,
22 like, he was mansplaining to her or, like,
23 condescending.

24 And then that they had another
25 conversation where she talked about getting

1 mail, incoming mail, and that she was sorting
2 through his mail, and there were all these
3 love letters, and that he had said to her,
4 "Okay, good, you can be in charge of finding
5 me a girlfriend."

6 And she said, "Oh, what's the age
7 range that you're comfortable with?" And he
8 was, like, "I don't know, anything over 22."
9 And that he asked her about being lonely and
10 COVID, and that she said she was lonely, and
11 he said that he was lonely.

12 And I'm trying to think if I'm
13 missing any salient points.

14 In the course of that
15 conversation, Judy said to me that she said
16 that Charlotte said, "The governor asked who I
17 was sleeping with," and that Judy said, "He
18 asked you who you were sleeping with?" And
19 she said, "Well, no, he asked me who I was
20 hanging out with, but I knew what he meant."

21 And at that moment, a light went
22 off in my brain. I have [REDACTED] that have been
23 sexually assaulted, and I understand how, when
24 you've gone through that kind of traumatic
25 experience, that you can perceive things

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1 through a certain lens.

2 Q. I want you to put that aside and
3 just convey to me what it is that Ms. Mogul
4 and Ms. DesRosiers told you Ms. Bennett said.

5 A. Those things. I mean, I'm
6 summarizing. It was a very long conversation.

7 Q. Were they reading to you from
8 notes?

9 A. I think Judy was.

10 Q. Do you recall them telling you
11 that Ms. Bennett had said that the governor
12 had asked her about monogamy?

13 A. Yes.

14 Q. And that that asking her about
15 monogamy occurred after the governor asked her
16 who she was hanging out with?

17 A. I don't remember the order in
18 which it was conveyed, but I do remember the
19 monogamy comment.

20 Q. And do you remember them telling
21 you that the governor had referred to her as
22 Daisy Duke?

23 A. I don't know if I remember them
24 telling me that at the time, but I know that
25 now.

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1 Q. What was your reaction to hearing
2 this?

3 A. Shock.

4 Q. And why?

5 A. Because it didn't sound to me
6 like the person that I knew. I mean, pieces
7 of it I could see happening. But the way that
8 it was being conveyed was not consistent.

9 I can see a conversation where
10 she says I checked the mail, "You've got all
11 these love letters from Cuomosexuals," and
12 that he said, "Great, you sort the mail, you
13 can find me the girlfriend."

14 When she said that he said, "Who
15 are you sleeping with?" And this exchange
16 which was very -- like in my mind, that these
17 two were on different -- they were having
18 different conversations when she said the,
19 "Who are you sleeping with? Who are you
20 hanging out with?"

21 And I know that he will ask
22 people, "Who are you going out with at night?
23 What are you doing to keep yourself busy? Are
24 you okay? Is everyone being inclusive?"
25 Like, he would have those conversations.

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1 But then like the monogamy piece,
2 and I was just, like, digesting everything.

3 MR. KIM: Did they convey to you
4 that Charlotte Bennett said the governor
5 asked her whether she had been with an
6 older man?

7 THE WITNESS: I don't remember in
8 that conversation, but at some point, I
9 came to know that she had said that.

10 MR. KIM: Is that something you
11 had heard the governor ask people?

12 THE WITNESS: No.

13 MS. CLARK: Did they tell you
14 that the governor had said he wanted to
15 get on a motorcycle with a woman on the
16 back and ride off into the mountains?

17 THE WITNESS: Yes.

18 BY MS. KENNEDY PARK:

19 Q. Did they tell you that he had
20 said that more than once?

21 A. I don't think they told me he
22 said that more than once, but I remember that
23 anecdote.

24 Q. Did they tell you that
25 Ms. Bennett said the governor said he wanted

July 05, 2021

1 to be touched?

2 A. Yes.

3 Q. And did they tell you that
4 Ms. Bennett had said in response to that,
5 "Well, you have your daughters," and that the
6 governor said, "That's not what I mean"?

7 A. I don't remember if it was in
8 that conversation or a subsequent
9 conversation.

10 Q. Did you convey your shock on the
11 call with Ms. Mogul and Ms. DesRosiers?

12 A. Yes.

13 Q. What did you say?

14 A. I don't remember specifically.
15 But it was very difficult for me to believe,
16 and I was upset.

17 Q. You were upset why?

18 A. Because it was -- it seemed crazy
19 to me.

20 Q. I'm sorry. I'm trying to
21 understand. What seemed crazy about it?

22 A. The whole concept of this
23 conversation seemed crazy.

24 Q. Were you upset for Ms. Bennett?

25 A. I was upset about the entire

July 05, 2021

1 situation. I didn't know what to think.

2 Q. Were you upset for Ms. Bennett?

3 A. Of course, I was upset for her,
4 but I also didn't know what to think.

5 Q. In that conversation, did you, in
6 essence, describe it as ridiculous?

7 A. I don't remember, but I certainly
8 had a reaction that I thought the whole thing
9 was crazy.

10 MR. KIM: "Crazy" meaning what?

11 Made up?

12 THE WITNESS: No. Like, I don't
13 know if I used the word "ridiculous." I
14 very easily could have used the word
15 "ridiculous," but in that sense of,
16 like, this is ridiculous, like, this is
17 crazy. What are you saying to me? I
18 don't understand. I couldn't wrap my
19 head around it.

20 MS. KENNEDY PARK: What else do
21 you remember--

22 MR. KIM: Sorry, can I ask?

23 MS. KENNEDY PARK: Yeah, go
24 ahead.

25 MR. KIM: You couldn't wrap your

1 mind -- head around the possibility that
2 the governor said these things?

3 THE WITNESS: I was trying to --
4 what is the word when you're, like,
5 trying to square one thing with another
6 thing. It's, like, I was trying to
7 understand how this conversation could
8 have happened and make sense of it, with
9 the things that they were telling me and
10 the context that I had.

11 BY MS. KENNEDY PARK:

12 Q. The context you had meaning your
13 experience with the governor. Is that what
14 you're saying?

15 A. No.

16 Q. What context?

17 A. I'm saying the context I knew
18 about [REDACTED]. I'm saying the context --
19 I'm saying the red flag to me which was the
20 who are you hanging out with. He said who --
21 or sleeping with versus hanging out with. I
22 was trying to understand and, like,
23 reconcile -- that was the word I was looking
24 for -- reconcile in my head what if this was
25 real, not real. What was the explanation for

July 05, 2021

1 it. It all seemed crazy to me.

2 Q. What do you mean what was real
3 and not real?

4 A. If somebody says to you, "The
5 governor asked me who I was sleeping with" and
6 they said, "He asked you who you are sleeping
7 with?" And she responds by saying, "Well, no,
8 he asked who I was hanging out with, but I
9 know what he meant."

10 That is somebody having a
11 different conversation. And I have experience
12 with sexual assault survivors and the prism
13 through which they see the world.

14 Q. I see. So what you're saying is
15 your understanding, sitting in that
16 conversation, was that it was a red flag for
17 her to clarify that the governor didn't say
18 sleeping with, said hanging out with, but she
19 understood what he was saying because you knew
20 she was a sexual assault survivor?

21 A. I -- when you have a perception
22 of that, and it's so different from the
23 reality, you have to wonder what else is
24 getting lost in translation.

25 Q. Why did you understand it was

July 05, 2021

1 different from reality?

2 A. Because she said it was. She
3 said, when pushed, "No, he didn't ask who I
4 was sleeping with. He asked me who I was
5 hanging out with."

6 And if someone asked me who I was
7 hanging out with, I would not assume that
8 person was inquiring about my sex life.

9 Q. And so you didn't understand that
10 when she said, "I knew what he was saying," it
11 was because he had also said he wanted to be
12 touched, that he had said he wanted to get on
13 a motorcycle and go away, he had asked about
14 the age of her sex partners and then asked her
15 about whether she was monogamous, and that
16 that was the basis on which she said, "I knew
17 what he was saying to me"?

18 A. No, because it was my
19 understanding -- I thought that that came
20 earlier in the conversation.

21 Q. I see. So because it came
22 earlier, then you thought the hanging out was
23 separate from those comments?

24 A. I don't know.

25 MS. CLARK: Did they tell you

July 05, 2021

1 that the governor asked to talk to her about a
2 tattoo she was considering getting?

3 THE WITNESS: I believe that was
4 in Judy's notes.

5 MS. CLARK: Do you recall them
6 telling you a conversation about it?

7 THE WITNESS: I don't recall
8 specifically, but she read the notes.
9 So I'm sure that she did.

10 MS. CLARK: Did Ms. Mogul tell
11 you that she found Ms. Bennett to be
12 credible?

13 THE WITNESS: I don't remember at
14 what point, but she said it at some
15 point.

16 MR. KIM: Did you try to
17 reconcile in your mind also the comment
18 about whether she had been with older
19 men?

20 THE WITNESS: Yes and no.

21 MR. KIM: Okay. How did you try
22 to reconcile? And how did you know?

23 THE WITNESS: I could see a
24 scenario where the governor was trying
25 to play therapist, where he, in his own

July 05, 2021

1 experience with sexual assault victims,
2 would probe and ask questions about
3 whether or not they were engaged in
4 healthy relationships.

5 MR. KIM: That's how you tried to
6 reconcile it?

7 THE WITNESS: That was how I was
8 reconciling it.

9 MR. KIM: Is that the exercise
10 you were going through with every
11 comment that was being reported to you,
12 you would try to reconcile it?

13 THE WITNESS: No.

14 MR. KIM: So then in your mind,
15 the governor -- you didn't question
16 that -- you had no reason to question
17 that he had said that?

18 THE WITNESS: No. Well,
19 beyond --

20 MR. KIM: And to reconcile it in
21 a way that is not inappropriate?

22 THE WITNESS: Let me back up.
23 Yes, I had reason to question it based
24 on the sleeping with, hanging out with.
25 So I didn't know how much was being

July 05, 2021

1 relayed verbatim or how much was being
2 relayed through somebody's personal
3 lens. But it wasn't really my job to.

4 MR. KIM: So let me unpack that.
5 Based on the fact that she clarified
6 what was said, you had to question --
7 you had a basis to question whether she
8 was telling the truth when she also said
9 the governor asked her whether she had
10 been with an older man? Is that your
11 testimony?

12 THE WITNESS: I would not call
13 her a liar. That's not what I'm saying.
14 I'm saying that sometimes people hear
15 things a different way than they are
16 said, and only people who know what is
17 said are the people are in the room.
18 And ...

19 MR. KIM: So what -- so how did
20 you reconcile? Do you think -- were you
21 thinking that Ms. Bennett had heard
22 something different when she reported
23 that he asked whether she had been with
24 an older man?

25 THE WITNESS: I didn't know.

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1 MR. KIM: You thought, he must be
2 playing therapist? That was a --

3 THE WITNESS: That was a
4 possibility.

5 MR. KIM: What else?

6 THE WITNESS: I don't know what
7 else.

8 MR. KIM: Did you think for a
9 second that maybe he was making an
10 advance?

11 THE WITNESS: It was very
12 difficult for me to wrap my head around
13 that.

14 MR. KIM: Let me ask you that
15 question again. Did you think for a
16 second that maybe he was --

17 THE WITNESS: No.

18 MR. KIM: -- making an advance?
19 Not for a second?

20 THE WITNESS: No.

21 MR. KIM: Why not?

22 THE WITNESS: Because it's not
23 who I know.

24 MR. KIM: It's not possible?

25 THE WITNESS: It's not who I

1 know. And Charlotte was like a sweet
2 kid. Like, no, I could not see him
3 coming on to Charlotte.

4 MR. KIM: So in your mind, it was
5 impossible?

6 THE WITNESS: It didn't really
7 matter what was in my mind.

8 MR. KIM: I'm not asking you
9 whether it mattered or not. In your
10 mind, was it impossible that he had made
11 an advance on her?

12 THE WITNESS: Yes.

13 MR. KIM: And that's how you
14 treated her allegations?

15 THE WITNESS: I didn't treat it
16 any way. I left it to counsel.

17 MR. KIM: That's what you
18 assumed, that it was impossible?

19 THE WITNESS: I couldn't wrap my
20 head around it.

21 MR. HECKER: Why don't we take
22 two minutes?

23 MS. KENNEDY PARK: Can we just
24 finish, please?

25 THE WITNESS: Can I actually run

1 to the bathroom?

2 MS. KENNEDY PARK: I want to just
3 finish out the conversation with Judy
4 and Jill.

5 MR. HECKER: With Judy and Jill?

6 MS. KENNEDY PARK: Yeah.

7 MR. HECKER: Go ahead.

8 MS. KENNEDY PARK: Okay.

9 BY MS. KENNEDY PARK:

10 Q. So, is any of what you just
11 discussed with me, Ms. Clark, and Mr. Kim what
12 you conveyed to Judy and Jill on the phone
13 call with them?

14 A. I don't remember.

15 Q. What did you convey to Judy and
16 Jill?

17 A. We have to figure this out. This
18 is crazy.

19 Q. Did you convey to them that you
20 couldn't see the governor making a sexual
21 advance on Charlotte?

22 A. I think so.

23 Q. What else did you convey to them?

24 A. I don't remember specifically.

25 Q. Do you remember generally?

1 A. Exactly what I've already told
2 you, that I thought it was crazy and that we
3 had to figure out how to deal with this.

4 Q. Did you call it a red flag that
5 she had clarified the question about sleeping
6 with her versus hanging out with her?

7 A. I don't know if I used that term,
8 but I think I did, yeah.

9 Q. And what did you say about that?

10 A. That that to me demonstrated that
11 it's possible that not everything she heard is
12 what he said, and that we needed to figure it
13 out. And I asked Judy to consult with
14 Alphonso and Linda and come back and tell me
15 how she was going to handle it.

16 Q. Did you in words or in substance
17 convey to Judy and Jill that the governor
18 could have never done or said these things?

19 A. I don't remember, but I could
20 have.

21 Q. Did you ask any questions about
22 what Charlotte had conveyed to Judy and Jill?

23 A. I'm sure I did, but I don't
24 remember specifically.

25 Q. Do you remember generally?

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1 A. No.

2 Q. Did you ask them what they were
3 going to do?

4 A. I think I said, "We need to
5 figure this out."

6 Q. Right. But did they tell you
7 what they were going to do?

8 A. I don't think they knew.

9 Q. Were you crying during this
10 conversation?

11 A. I don't think so.

12 Q. Was Jill?

13 A. I don't think so.

14 Q. Was Judy?

15 A. No.

16 Q. Were you aware whether
17 Ms. Bennett was crying when she conveyed this
18 information to Judy or Jill?

19 A. I don't remember.

20 Q. Did they describe to you what her
21 demeanor was when she told them about her
22 conversations with the governor?

23 A. No, because I don't know if it
24 was on the phone or in person. I just know it
25 was a very long conversation.

1 Q. You mean it was a long
2 conversation between Judy, Jill, and
3 Ms. Bennett?

4 A. I think like three hours.

5 Q. And you don't recall them telling
6 you anything about her demeanor?

7 A. They may have, but I don't
8 remember. That wasn't the thing in the
9 conversation that I remember.

10 MS. KENNEDY PARK: Why don't we
11 go ahead and go off the record.

12 MR. HECKER: Okay.

13 THE VIDEOGRAPHER: The time is
14 3:58 p.m. This concludes Media 7. Off
15 the record.

16 (Recess taken from 3:58 p.m. to
17 4:14 p.m.)

18 THE VIDEOGRAPHER: The time now
19 is 4:14 p.m. This begins Media 8. On
20 the record.

21 BY MS. KENNEDY PARK:

22 Q. You had previously told us in a
23 conversation you had with Jill DesRosiers
24 about Charlotte Bennett in mid-June, you don't
25 remember her mentioning that was -- she was

July 05, 2021

1 uncomfortable with the governor. Right?

2 A. Correct.

3 Q. You have to --

4 A. Sorry. I'm sorry.

5 Q. And then in June you come to
6 learn that -- that what Ms. Bennett was
7 uncomfortable with related to the -- right?

8 CERTIFIED STENOGRAPHER: I'm
9 sorry. Can you repeat that please.

10 Q. In June you came to understand
11 that what Ms. Bennett was uncomfortable with
12 related to the governor?

13 A. Yes.

14 Q. Did you raise to Ms. DesRosiers
15 why she hadn't told you earlier that
16 Ms. Bennett's concerns related to the
17 governor?

18 A. I don't remember if I talked to
19 her about that, but in my mind, I remember
20 thinking I should have -- it should have been
21 a flag. The word "uncomfortable" should have
22 been a flag. I should have done something.

23 Q. Not just the word
24 "uncomfortable," but wouldn't it have been
25 important for you to know that the concerns

July 05, 2021

1 were about the governor in mid-June?

2 A. I don't -- I didn't -- I don't
3 think I had a conversation with Jill about it
4 later, Except that in my mind I was like, I
5 should have done something about this earlier.

6 Q. But you didn't speak to Jill
7 about the fact that she had not told you the
8 concerns were about the governor?

9 A. No.

10 Q. And that didn't made you angry
11 that she hadn't told you that it was about the
12 governor?

13 A. No.

14 Q. Wouldn't that be important
15 information for you to know?

16 A. I wasn't focused on that at that
17 point.

18 Q. And I just wanted to note, did
19 the governor ever speak to you about age
20 differences in your relationship partners?

21 A. Not that I recall.

22 Q. Did he ever ask you how old
23 someone would be that you would date?

24 A. Not that I recall.

25 Q. Did he ever ask you your thoughts

July 05, 2021

1 on monogamy?

2 A. Not that I recall.

3 Q. Did he ever tell you that he

4 missed being touched?

5 A. No.

6 Q. Did he ever compare you to Daisy

7 Duke?

8 A. No.

9 Q. Did he ever tell you he was

10 lonely and wanted to get on a motorcycle and

11 drive away?

12 A. No.

13 MR. KIM: Can I --

14 MS. KENNEDY PARK: Go ahead.

15 MR. KIM: After you learned this,

16 learned what Charlotte Bennett said he

17 had said, did you ask the governor

18 whether he had said any of these things

19 to her?

20 THE WITNESS: There was a

21 conversation between the governor, Judy

22 Mogul, and me.

23 MR. KIM: And you're asserting

24 privilege on that?

25 MR. HECKER: Yes.

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1 MR. KIM: Other than that
2 conversation, have you discussed
3 Charlotte Bennett's allegations with the
4 governor at all?

5 THE WITNESS: The following day.

6 MR. KIM: The following day. Day
7 after what?

8 THE WITNESS: The -- the day
9 after I learned of all of this, so
10 July 1.

11 MR. KIM: So what did you talk to
12 the governor about then?

13 THE WITNESS: I was really upset.

14 MR. KIM: What did you say?

15 THE WITNESS: I think that he
16 could see that I was upset, and he asked
17 what was wrong, and I said, "I'm really
18 upset."

19 And he said, "Why?"

20 And I said some version of, "I
21 can't believe -- I can't believe that
22 this happened. I can't believe you put
23 yourself in a situation where you would
24 be having any version of this
25 conversation."

1 BY MS. KENNEDY PARK:

2 Q. And what did the governor say in
3 response?

4 A. "I looked at her [REDACTED]
5 [REDACTED]"

6 Q. Sorry, say that again?

7 A. I looked at her [REDACTED].

8 Q. The governor told you he looked
9 at Charlotte Bennett and [REDACTED]?

10 A. Yes.

11 Q. And he said [REDACTED]
12 [REDACTED]?

13 A. Yes.

14 Q. And so the explanation the
15 governor gave you was he was treating
16 Ms. Bennett [REDACTED]
17 [REDACTED]?

18 A. Yes.

19 Q. Did he convey to you that he
20 would speak to [REDACTED] about monogamy?

21 A. The conversation didn't go any
22 further than that.

23 Q. And you said -- you told him you
24 were upset. At this point, did you understand
25 the governor was aware of what Ms. Bennett had

July 05, 2021

1 said?

2 A. There was one conversation with
3 Judy and him.

4 MR. HECKER: You can answer that
5 question yes or no, whether you
6 understood that he and -- he knew what
7 Ms. Bennett had alleged at that point.

8 A. Not all of it.

9 Q. Okay. You knew that he was aware
10 of some of what Ms. Bennett -- Bennett had
11 alleged?

12 A. From the conversation with Judy
13 Mogul.

14 Q. Okay. And the governor -- you
15 said you were upset. How did the governor
16 know that you were upset? Were you physically
17 upset?

18 A. I don't hide it well, yeah.

19 Q. Okay. And describe that for us.

20 A. It was like a combination of
21 anger and, like, frustration.

22 Q. And what were you angry about?

23 A. That we could -- that, like, he
24 would put himself in that situation.

25 Q. And did you raise to him any

1 concerns about what he had done to Charlotte
2 Bennett?

3 A. Not beyond me saying, "I can't
4 believe how stupid -- like I don't understand
5 how this could happen."

6 Q. Is that what you told him, "I
7 don't understand how this could happen?"

8 A. Yes.

9 Q. And did the governor acknowledge
10 that the conversation had occurred?

11 A. That's when he said to me, "I
12 looked at her and [REDACTED]."

13 Q. Did he dispute in that, to you,
14 any of the things Ms. Bennett had said he had
15 told her?

16 A. It was a very curt conversation.

17 Q. How long did it last?

18 A. 30 seconds.

19 Q. Where were you?

20 A. In the car.

21 Q. Which car?

22 A. Driving from the office to the
23 helipad.

24 Q. Do you need a moment?

25 A. I'll be okay.

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1 Q. There's tissues there.

2 A. Thank you.

3 Q. Do you need a minute?

4 A. I'm okay.

5 Q. Is this the kind of reaction you
6 had in front of the governor?

7 A. Yeah.

8 Q. And you said you were frustrated.
9 What were you frustrated about?

10 A. I understood, based on my
11 conversation with him and Judy, what his side
12 of it was, and it just -- it just, it's like,
13 what were you thinking?

14 Q. At any point, did you raise the
15 governor -- with the governor what should be
16 done for Ms. Bennett?

17 A. No.

18 Q. I think you were just saying to
19 me a moment ago you -- you were concerned
20 about "us." I think that's what you said. We
21 can scroll back.

22 What did you mean by "us"?

23 A. It was like, you know, the
24 administration, him, Charlotte, it was all of
25 it. It was like, this -- like, you -- it's,

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1 like, you did something that could jeopardize
2 your career.

3 It's this sexual assault victim
4 feels like, you know, you were saying these
5 things to her. It was, like, as I was
6 learning about it from Judy the night before,
7 it was, like -- there was, like, a, like, gong
8 going off, like -- it was, like, you know,
9 like, a dinging noise of, like, what the hell
10 is happening? Like, none of this makes any
11 sense. It didn't comport with the person that
12 I knew.

13 Q. And when you're in the car, how
14 does the conversation with the governor end?

15 A. I got out of the car.

16 Q. Was -- did you ask to get out of
17 the car? Like, did the car stop? You asked
18 to pull over? Or was the --

19 A. The car stopped and I got out.

20 Q. Okay. And was the car supposed
21 to stop, like, you arrived somewhere?

22 A. I think we were, like, at a
23 light.

24 Q. You were at a traffic light?

25 Okay. And you got out of the car?

1 A. Yeah.

2 Q. And where did you go?

3 A. I went and met up with a
4 girlfriend.

5 Q. Okay. Did the governor try to
6 reach you after you got out of the car?

7 A. Not immediately.

8 Q. And which girlfriend did you meet
9 up with?

10 A. My friend [REDACTED]

11 Q. What did you tell -- what's
12 [REDACTED] last name?

13 A. [REDACTED]

14 Q. Who's [REDACTED]?

15 A. A best friend from college.

16 Q. Okay. And how did you end up
17 meeting up with [REDACTED]?

18 A. We had been talking that the next
19 time I was in the city, we could get together.
20 I, like, because of COVID, really hadn't seen
21 her for a while.

22 Q. Was it a prearranged meeting with
23 her?

24 A. No.

25 Q. So did you reach out to her and

1 ask her to meet with you?

2 A. Yeah, I knew she was in the town.

3 Q. Okay. Where did you meet?

4 A. At a restaurant.

5 Q. And what did you say to

6 [REDACTED]?

7 A. Nothing about any of this.

8 Q. Were you visually upset?

9 A. No. I think I shook it off by
10 the time I got there.

11 Q. You said it -- Joon?

12 MR. KIM: Can I ask a follow-up
13 question about your conversation in the
14 car?

15 So you said he said he [REDACTED]
16 [REDACTED]. And you said that you
17 understood what he meant?

18 THE WITNESS: I understood from
19 the conversation the night before with
20 Judy his version of the events.

21 MR. KIM: How do you explain the
22 question whether Charlotte had been with
23 older men as [REDACTED]
24 [REDACTED]?

25 THE WITNESS: There were [REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] and that the
questions the governor was posing were,
like, out of concern, that [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

MR. KIM: So you understood the
governor when saying, "Have you been
with older men," that he was expressing
concern as if she was [REDACTED]?

THE WITNESS: Like, acting in a
[REDACTED], someone who is a
victim of sexual assault acting in a
[REDACTED].

MR. KIM: How did you understand
his statement that I can -- "I, the
governor, am okay with, you know, anyone
over 22" to be explained by him seeing

1 in Charlotte Bennett [REDACTED] ?

2 THE WITNESS: That wasn't the
3 context in which I understood that
4 comment.

5 MR. KIM: So that you didn't
6 understand?

7 THE WITNESS: No. I'm saying
8 that was a direct -- I understood that
9 to be a part of a conversation where
10 Charlotte started the conversation by
11 saying, "I've been going through your
12 mail. You're getting all these love
13 letters. There are all these women that
14 want to date you."

15 And that he said, "You can be in
16 charge of finding me a girlfriend."

17 And she said, "What's the age
18 range I should be looking at?"

19 And he said, "Anything over 22."

20 I interpreted that to be, like, a
21 joky conversation.

22 MR. KIM: So that was a joke in
23 your mind?

24 THE WITNESS: Yeah. Like banter.

25 MR. KIM: Did the governor say

1 that that was a joke?

2 THE WITNESS: I don't think I can
3 talk about --

4 MR. HECKER: Can we -- sorry -- I
5 just want to make sure there isn't some
6 conflation of two different
7 conversations.

8 If you're asking her about the
9 conversation in the car, you should
10 disclose everything you remember about
11 the conversation in the car.

12 And if there was this back and
13 forth with the governor about individual
14 statements, you should disclose it. And
15 if not --

16 MR. KIM: No, I don't think that
17 was the question.

18 So the question was: You
19 testified that you understood after the
20 governor said, "[REDACTED],"
21 so I'm following up on that question.
22 It's not any particular conversation.

23 At that point, you know that one
24 of the things the governor said was,
25 "I'm okay with anyone over 22."

1 So the question was: How did
2 you -- or did you in your mind reconcile
3 that comment with his statement that I
4 saw her -- "[REDACTED],"
5 and I think you were starting to answer
6 by saying that, you thought, was a
7 joking response to the letters.

8 THE WITNESS: Yes. Like, it was
9 in a different context.

10 MR. KIM: So my follow-up
11 question was: So that comment you sort
12 of put it off to the side because that
13 was a joke?

14 THE WITNESS: Yes.

15 MR. KIM: Correct?

16 THE WITNESS: Like a -- like
17 banter.

18 MR. KIM: Did you ever ask the
19 governor about whether he, in fact, made
20 that statement about him being okay with
21 22?

22 And this is where you can -- if
23 you think it -- other than in the
24 context of discussions with counsel.

25 MR. HECKER: Right. Outside the

July 05, 2021

1 context of discussions with counsel, did
2 you ask the governor about that
3 particular statement?

4 THE WITNESS: No.

5 MR. KIM: So but in your mind,
6 you separate that out as a joke.
7 Correct?

8 THE WITNESS: There's -- yeah.

9 MR. KIM: Okay. The comment
10 about, "Have you been with an older
11 man," that's concern?

12 THE WITNESS: Yes.

13 MR. KIM: The comment -- how do
14 you reconcile the comment -- how did
15 you, if at all, reconcile the comment
16 about how he wants to ride away with a
17 woman on a motorcycle in the woods?

18 THE WITNESS: I didn't.

19 MR. KIM: You did not that --

20 THE WITNESS: He didn't confer to
21 me that that -- sorry -- I didn't have
22 that conversation with him outside of
23 counsel.

24 MR. HECKER: No, the question is:
25 Did you come to some reconciliation of

1 how that made sense to you, that
2 statement? That's -- either you did
3 reconcile it or you didn't.

4 THE WITNESS: No, I didn't.

5 MR. KIM: So when you said you
6 understood where he was coming from, you
7 understood -- or you could try to
8 understand bits and pieces?

9 THE WITNESS: Yes.

10 MR. KIM: Did you ever understand
11 the entire exchange as somehow to be
12 explained as the governor thinking or
13 treating her [REDACTED]?

14 THE WITNESS: Parts of it, yes.
15 The interaction about the speech, I
16 could see him and [REDACTED] having that
17 conversation. I think I've seen them
18 have a version of that conversation.

19 Some of these other things, yes.
20 Some of these other things I still to
21 this day don't know if they were
22 actually said or not said. I --

23 MR. KIM: And I asked this
24 question earlier, but it didn't cross
25 your mind that maybe he was making a

July 05, 2021

1 sexual advance on her?

2 THE WITNESS: No.

3 MR. KIM: And that -- so that

4 conversation lasted 30 seconds?

5 THE WITNESS: Yes.

6 MR. KIM: And then you left the

7 car?

8 THE WITNESS: Yes.

9 MR. KIM: Have you spoken to the

10 governor at all about Charlotte Bennett

11 and her allegations since?

12 THE WITNESS: In -- sorry.

13 MS. KENNEDY PARK: Go ahead.

14 THE WITNESS: In the context of

15 press inquiries.

16 MR. KIM: Outside the presence of

17 counsel?

18 THE WITNESS: We always had

19 lawyers on those calls.

20 MR. KIM: Are you asserting

21 privilege over those conversations?

22 MR. HECKER: I don't even know

23 which conversations we're talking about.

24 THE WITNESS: That was like -- I

25 don't think so -- right? -- because

1 there were outside people on those
2 calls.

3 MS. KENNEDY PARK: Why
4 don't -- can we --

5 MR. KIM: Yeah, sorry, sorry.

6 MS. KENNEDY PARK: Okay. That's
7 okay. We'll get to those conversations
8 that occurred after December 2020.

9 BY MS. KENNEDY PARK:

10 Q. Let's just go back for a second.
11 And you get out of the car. It sounds like
12 you made the car stop. Right?

13 A. We were stopped. I don't know if
14 I made it stop or if it was at a light, but we
15 were stopped.

16 Q. And you spontaneously got out of
17 the car?

18 A. Yes.

19 Q. Okay. Because you were upset,
20 that's what you said.

21 A. Okay.

22 Q. And then you went and met with
23 ██████████?

24 A. Yes.

25 Q. You said none of this came up

1 with [REDACTED]?

2 A. No.

3 Q. Did you talk about quitting the
4 executive chamber with [REDACTED]?

5 A. No.

6 Q. Or resigning?

7 A. No.

8 Q. Did you talk about anything
9 related to the executive chamber?

10 A. Just COVID, generally. The
11 waitress recognized me from the briefings,
12 wanted to take a selfie. She was, like, proud
13 of me. It was, you know, like, we hadn't seen
14 each other in months. It was just catching up
15 with an old friend.

16 Q. And I think you alluded to that,
17 at some point, the governor reached out to you
18 after you had gotten out of the car
19 spontaneously.

20 When did the governor reach out
21 to you?

22 A. I don't know if he reached out to
23 me or if I reached out to him, but I spoke to
24 him later that day.

25 Q. Okay. Spoke to him over the

July 05, 2021

1 phone?

2 A. Yes.

3 Q. And tell us about that

4 conversation.

5 A. I don't remember it well. I
6 think at that point, Judy and Jill had come
7 back to me. I don't remember what order I
8 spoke to people in.

9 Q. Okay. So what do you remember
10 about the conversation with the governor later
11 in the day?

12 A. Really not much.

13 Q. What do you remember about the
14 conversation with the governor later in the
15 day?

16 A. Nothing specific.

17 Q. Anything general?

18 A. No.

19 Q. You don't remember anything about
20 the conversation with the governor?

21 A. No. I had been drinking.

22 Q. How late at night was this?

23 A. Call it, like, 5 o'clock.

24 Q. What time did you get out of the
25 car?

July 05, 2021

1 A. Hours earlier. 1 o'clock,
2 2 o'clock.

3 Q. Was there any contact between you
4 and any members of the executive chamber
5 between 1 or 2 o'clock and 5 o'clock?

6 A. I definitely talked to Jill and
7 Judy a handful of times. I don't remember
8 specifically what times.

9 Q. How much did you drink?

10 A. A couple glasses of wine but I
11 hadn't eaten.

12 Q. Did you have any pins with the
13 governor that evening?

14 A. I don't think so.

15 Q. Did you tell anybody about the
16 content of your conversation with the governor
17 at 5 o'clock that evening?

18 A. I don't think so.

19 Q. Did you tell your husband?

20 A. I don't think so. No, definitely
21 not.

22 Q. And you don't remember anything
23 that was said?

24 A. I don't remember specifically.

25 Q. Do you remember generally?

July 05, 2021

1 A. No, not in a way that I feel
2 comfortable conveying. I don't --

3 Q. What was the topic of the
4 conversation?

5 A. I think I was probably still mad.

6 Q. And what did he say to you?

7 A. I don't remember.

8 Q. Do you remember even the form of
9 what he said? Did he apologize to you?

10 A. I don't remember.

11 Q. Did he say anything about
12 Ms. Bennett?

13 A. I don't think so.

14 Q. Okay. You don't think that
15 happened, but you don't remember anything else
16 about that conversation --

17 A. I don't -- don't think I spoke to
18 him again about Charlotte, like one-on-one.

19 Q. In any of these conversations
20 with the governor, did you ask him if there
21 were other women to be concerned about?

22 A. No.

23 Q. Why not?

24 A. I don't know. I didn't.

25 Q. It didn't occur to you that from

July 05, 2021

1 a, sort of, secretary-of-governor perspective
2 that you should know whether there might be
3 other accusers?

4 A. He seemed pretty shocked that
5 Charlotte was accusing him. And he's been
6 someone who's been in the public eye for 40
7 years, and everything has been written about
8 him and every rock has been flipped over. And
9 there's never been allegations like this
10 before.

11 Q. And so that gave you comfort that
12 there might not be other allegations out
13 there?

14 A. It was not what I was focused on.

15 Q. What were you focused on?

16 A. I was still upset about the
17 Charlotte situation.

18 Q. And the calls that happened
19 between one and two that day and five, when
20 you spoke to the governor again, a
21 conversation that you don't remember, what
22 were the conversations with Jill and Judy
23 about?

24 A. Charlotte had gone back to them.

25 Q. And what did they tell you about

July 05, 2021

1 what Charlotte said?

2 MR. HECKER: Is that privileged
3 too? I think that's going to be
4 privileged too if it's Judy.

5 Q. Well, you can tell us what the
6 facts are about what Charlotte said, because
7 we actually have the notes of the
8 conversation.

9 MR. HECKER: The notes were
10 produced?

11 MS. KENNEDY PARK: Yeah.

12 MR. HECKER: You mean the notes
13 of the conversation between Judy and
14 Charlotte?

15 MS. KENNEDY PARK: Yeah.

16 MR. HECKER: That I get. But the
17 conversation --

18 MS. KENNEDY PARK: Right. So I
19 asked her, "What did she tell you
20 Charlotte said?"

21 MR. HECKER: Yeah, but I don't
22 know that -- I don't know whether --
23 well, can you distinguish between facts
24 communicated to you in that conversation
25 and discussion about legal advice in

1 terms of what to do? I'm just -- that's
2 the question.

3 THE WITNESS: No.

4 MR. HECKER: Then I'm not going
5 to -- I'm going to instruct her not to
6 answer.

7 BY MS. KENNEDY PARK:

8 Q. So you can't remember in any of
9 those conversations with Jill and Judy any
10 facts that were conveyed to you about what
11 Ms. Bennett said on July 1?

12 A. I don't know how to differentiate
13 them from legal, like, because it was all in
14 the context of how Judy was recommending going
15 forward.

16 Q. Right. I'm not asking what Judy
17 said about going forward. I'm just asking
18 what did she tell you the words were that
19 Charlotte Bennett said?

20 MR. HECKER: Wait. I'm going to
21 instruct her not to parse it that
22 finely. You -- I don't know whether you
23 can get this from Judy, but I'm going to
24 leave it to chambers and their lawyers.

25 MS. KENNEDY PARK: I'll ask this

1 question instead.

2 Q. Do you actually remember those
3 conversations?

4 A. I remember the conversation
5 taking place. I don't remember the specifics
6 of the conversation, but I spoke to Judy again
7 the following day.

8 Q. At any point in the conversations
9 with Jill or Judy, did you tell them that you
10 had been drinking?

11 A. I don't remember.

12 Q. Did you tell the governor that
13 you had been drinking?

14 A. I don't remember.

15 Q. Are there any other occasions on
16 which you drank so much that you don't
17 remember the conversations you had?

18 MR. HECKER: That
19 mischaracterizes her testimony.

20 Q. Are you telling me that you drank
21 so much that that's why you don't remember the
22 conversation you had with the governor that
23 night?

24 A. I don't remember specifically,
25 no.

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1 Q. Okay. But do you remember
2 generally?

3 A. No.

4 Q. Okay. So you remember neither
5 specifically nor generally?

6 A. No.

7 Q. Okay. And is the reason that you
8 don't remember because you'd been drinking?
9 Is that what you're implying by telling me how
10 much you drank?

11 A. I had a couple of drinks, yes,
12 and I hadn't been eating.

13 Q. What happens after the call with
14 the governor?

15 A. Nothing. The next day I talked
16 to Judy again.

17 Q. So at 5 o'clock you just signed
18 off work?

19 A. No, no. I went back up to Albany
20 and I went to sleep.

21 Q. Do you remember how you got back
22 to Albany?

23 A. Yes. I was driven.

24 Q. By PSU?

25 A. No.

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1 Q. By who?

2 A. The driver.

3 Q. Okay. And did you do any work
4 after 5 o'clock that night?

5 A. I don't think so, no.

6 Q. Is that unusual?

7 A. Yes.

8 Q. Okay. And what's the reason you
9 weren't doing any work?

10 A. I had been drinking.

11 Q. Did you send any e-mails?

12 A. I don't remember.

13 Q. Did you send any pins?

14 A. I don't think so.

15 Q. And then you wake up on July 2.

16 What happens on July 2 related to Charlotte
17 Bennett?

18 A. I spoke to Judy again.

19 Q. Without getting into the
20 substance, what was the topic of the
21 conversation with Judy Mogul on July 2?

22 A. A summary of the day prior.

23 Q. Are you able to delineate in your
24 mind in the conversation with Judy any facts
25 that she conveyed to you about what Charlotte

1 Bennett had said the prior day?

2 MR. HECKER: Look, I think that
3 you're trying to parse this a little too
4 finely. My understanding is that
5 counsel for the chamber has designated
6 those conversations as privileged. So
7 I'm going to have her abide by that
8 judgment.

9 MS. KENNEDY PARK: All right.
10 Just for the record, I don't think we're
11 the ones that are parsing this too
12 finely.

13 BY MS. KENNEDY PARK:

14 Q. So you -- you're going to stand
15 on the privilege on the conversation with Judy
16 Mogul.

17 On July 2, who else did you speak
18 to about Charlotte Bennett?

19 A. I may have spoken to Jill, I may
20 have spoken to Linda, but I don't recall
21 specifically.

22 Q. Do you remember what you spoke to
23 Jill about?

24 A. I'm sure it was about the
25 conversation the day prior, but I don't

July 05, 2021

1 remember specifically.

2 Q. Do you remember generally?

3 A. A recap of the day prior.

4 Q. Okay. And what was the recap you
5 were given from Jill?

6 A. I don't remember specifically.

7 Q. Do you remember generally?

8 A. No. Sorry.

9 Q. What about Linda Lacewell? What
10 was the subject matter of the conversation
11 with her on July 2?

12 A. I don't even remember if I spoke
13 to her on July 2. I'm saying it's very
14 possible that I did because the three of us
15 were talking a lot in that, like, compact
16 period of time.

17 Q. Who else in that compact period
18 of time was involved in discussions about
19 Charlotte Bennett?

20 A. Alphonso David.

21 Q. Anyone else?

22 A. No.

23 Q. Rich Azzopardi?

24 A. No.

25 Q. Peter Ajemian?

1 A. No.

2 Q. Why didn't you involve the press
3 team?

4 A. Because it wasn't a public
5 relations matter. And it was none of their
6 business. There was a potential complaint.
7 There was potential -- I didn't know how this
8 was going to be handled legally. It was not
9 something I would talk about with anyone.

10 Q. Was there any concern expressed
11 in any conversations you were a part of that
12 Charlotte Bennett might go to the press?

13 A. No.

14 Q. That she would make a public
15 disclosure?

16 A. No.

17 Q. Why was Alphonso David involved?

18 A. Why was he involved?

19 Q. Mm-hmm.

20 A. We routinely involved him in
21 legal matters after he left as a matter of his
22 transition.

23 Q. And how long had it been, before
24 July of 2020, that he had left the chamber?

25 A. A year.

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1 Q. And his transition was still
2 going on after a year?

3 A. We continue to rely on Alphonso
4 now.

5 Q. And what's his role now?

6 A. He is the executive director of a
7 human rights campaign.

8 Q. So he has another job?

9 A. Yes.

10 Q. He doesn't work for the state
11 anymore. Right?

12 A. No.

13 Q. And yet you were seeking his
14 legal counsel?

15 A. Yes.

16 Q. Did the executive chamber pay for
17 those services?

18 A. No.

19 Q. Was there a contract for his
20 services for legal advice?

21 A. No.

22 Q. Did you ever raise any concerns
23 about the fact that there wasn't a contract
24 for his services?

25 A. No.

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1 Q. Did you ever raise any concerns
2 about whether -- the fact that he was not
3 being paid legal fees?

4 A. No.

5 Q. Did anyone raise any of those
6 concerns?

7 A. Not to me.

8 Q. Okay. What was the topic of the
9 conversations with Alphonso David?

10 A. I didn't speak to Alphonso
11 directly, Judy did.

12 Q. Were you briefed on those
13 conversations?

14 A. Yes.

15 MS. KENNEDY PARK: And if I ask
16 the substance, I'm guessing you're going
17 to tell me, at the direction of chamber,
18 you're invoking privilege?

19 MR. HECKER: Correct.

20 Q. Why was Linda Lacewell involved?

21 A. Linda is always involved in legal
22 matters that are sensitive to the chamber.

23 Q. And why is that?

24 A. Out of habit.

25 Q. She's the superintendent of DFS.

1 Is that right?

2 A. Yes. But she had just spent four
3 months living in Albany, working on the second
4 floor with us doing COVID. And even if she
5 wasn't, I would probably say we should seek
6 her advice.

7 Q. And why is that?

8 A. Because I trust her and I think
9 she has good judgment.

10 Q. And what was the subject matter
11 of the counsel that you sought from her?

12 A. I think I told Judy to consult
13 with Linda.

14 Q. Did you have any direct
15 conversations with Ms. Lacewell?

16 A. Yes.

17 Q. And what was the subject matter
18 of those conversations?

19 A. She was --

20 Q. Don't tell me the substance, just
21 tell me the subject matter.

22 MR. HECKER: Subject matter.

23 A. Charlotte.

24 MS. KENNEDY PARK: And if I ask
25 you for the substance of those

1 conversations, are you going to object
2 on the grounds of privilege?

3 MR. HECKER: Correct.

4 Q. Anyone else during this time
5 period that was being consulted about
6 Charlotte Bennett?

7 A. No.

8 Q. To your knowledge, was anybody
9 from GOER consulted about Charlotte Bennett?

10 A. I don't know.

11 Q. Have you ever asked that question
12 of anyone?

13 A. I don't remember if at the time
14 we talked about if she had spoken to GOER or
15 if she had contemplated speaking to GOER.

16 Q. Who is "she"?

17 A. Judy.

18 Q. But it was your understanding,
19 from the handbook that we talked about
20 earlier, you told me that ultimately all
21 allegations or concerns of potential sexual
22 harassment needed to be raised to GOER.

23 Is that right?

24 A. Well, you have to report them
25 either to counsel's office, to your

1 supervisor, and then I think based on that,
2 you decide whether or not you go to GOER.

3 Q. Okay. Earlier you told me it
4 wasn't decide whether to go to GOER, it was
5 that all of them had to go to GOER. That's
6 what you testified to earlier.

7 A. If there was a complaint.

8 Q. Okay. And was it your view that
9 there was not a complaint here?

10 MR. HECKER: I don't know how she
11 can answer that without delving into the
12 conversations that she had with counsel
13 who gave her legal advice about that
14 issue.

15 A. It wasn't my call.

16 Q. Did you seek or receive legal
17 advice on the question of whether Charlotte
18 Bennett had made a complaint?

19 A. I referred the matter when it was
20 relayed to me to Judy Mogul.

21 Q. And are you saying you relied on
22 Judy Mogul's legal advice as to whether
23 Charlotte Bennett had raised a complaint?

24 A. Correct.

25 Q. Other than the people that we

1 just talked about during this June, July 2020
2 time period, did you speak to anybody else
3 about Charlotte Bennett?

4 A. No one.

5 MR. KIM: What about Steve Cohen?

6 THE WITNESS: No.

7 MR. KIM: Do you know if others
8 did?

9 THE WITNESS: I don't think so.

10 Q. What about Chris Cuomo?

11 A. No.

12 Q. Do you have any understanding of
13 who the governor was speaking to at this time
14 about Ms. Bennett?

15 A. I assume no one.

16 Q. After -- well, how were
17 Ms. Bennett's concerns resolved?

18 MR. HECKER: If it requires you
19 to make reference to a privileged
20 conversation you had with Judy Mogul or
21 another lawyer within chambers, then I
22 think that's privileged conversation.

23 A. It's privileged conversation.

24 Q. After Ms. Bennett's concerns
25 were -- about her interactions with the

July 05, 2021

1 governor were raised, were there any changes
2 in the policies of the executive chamber?

3 A. Judy instituted a change --

4 MR. HECKER: Go ahead.

5 A. -- where briefers, instead of
6 going into the house, left the book with the
7 gate, with the trooper at the gate.

8 And then one of the people from
9 the house would come pick it up and deliver it
10 to the governor, or a trooper would bring it
11 into the house and leave it in the bin.

12 Q. Were there any other changes made
13 to the executive chamber policies after
14 Charlotte Bennett's allegations?

15 A. Judy didn't think -- she thought
16 that it was important that there were always
17 two people together if it was a junior staff
18 person so that there couldn't be any
19 misperceptions or any conversations that could
20 happen.

21 Q. Sorry. Judy thought that there
22 should be two people at all times where?

23 A. Like, staffing the governor, if
24 you're going to have a junior staff person, so
25 that you would eliminate the possibility that

1 there could ever be a potential misperception.

2 Q. So the new policy was that the
3 governor would always be staffed by two
4 people?

5 A. That was what Judy had
6 recommended. I don't know if it was really
7 institutionalized.

8 Q. And you're understanding the
9 basis for that recommendation was to avoid a
10 misperception?

11 A. Yes.

12 Q. Is that your position, that
13 Ms. Bennett misperceived her conversation with
14 the governor?

15 A. I don't -- my opinion on this is
16 irrelevant.

17 Q. I think you should answer the
18 question. Was your opinion that Ms. Bennett
19 had misperceived the conversation with the
20 governor?

21 A. Parts of it, yes.

22 Q. And the parts of it are the parts
23 that you described to Mr. Kim earlier. Is
24 that right?

25 A. Yes.

1 Q. The parts where he was trying to
2 play therapist with her because he viewed her
3 [REDACTED]?

4 A. Yes.

5 Q. But the other parts she didn't
6 misperceive?

7 A. I didn't know.

8 Q. Okay. And this policy about
9 staffing the governor always with two people,
10 did that just apply when there was a woman
11 junior staffer?

12 A. I'm not sure.

13 Q. And who else was involved in
14 coming up with this policy, this new policy?

15 A. I think it was Judy's
16 recommendation. And I think she talked to
17 Jill about it.

18 Q. Did you talk to Jill about it?

19 A. I don't remember if Jill was in
20 the conversation I had with Judy or if it was
21 separate. But Jill handled a lot of the
22 staffing, so ...

23 Q. Did you talk to the governor
24 about it?

25 A. No.

1 Q. Why not?

2 A. I don't know.

3 Q. And you said -- you intimated
4 that it never really was instituted. Did I
5 understand that right?

6 A. I said I don't know.

7 Q. You don't know if it was
8 instituted or not. Who would know that?

9 A. Jill, Stephanie.

10 Q. Did it matter to you if this was
11 instituted?

12 A. I don't know what that means.

13 Q. So counsel made a recommendation
14 that a staffing protocol for the governor be
15 changed. Did you ensure that that
16 recommendation was followed?

17 A. There was one instance when I was
18 aware that it wasn't being followed, and I
19 took action on it.

20 Q. Okay. And what was the instance
21 when you became aware it wasn't being
22 followed?

23 A. There was a time when [REDACTED]
24 [REDACTED] and Staffer #2 [REDACTED] were back meeting
25 with the governor. And I called EA#2 [REDACTED] and

1 asked what was happening in the office, and
2 she said that Staffer #2 -- that S#2 and
3 [REDACTED] had been back there, and then S#2 had
4 left and [REDACTED] was back there.

5 Q. Sorry, I missed who you
6 called -- you called EA#2

7 A. Yes.

8 Q. Okay. And then what happened
9 after that?

10 A. I called the governor and said
11 that I didn't think that she should be back
12 there alone; that if S#2 wasn't there
13 anymore, that you should continue the
14 conversation with her later.

15 Q. Did you tell him why?

16 A. No.

17 Q. And what did he say?

18 A. "Okay."

19 Q. And then what happened?

20 A. I believe she left the office.

21 Q. The governor must have told her
22 to leave?

23 A. I think he wrapped up the
24 meeting. I wasn't there in person.

25 Q. Okay. Have you ever heard of

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1 something called the Graham-Pence rule?

2 A. Yes.

3 Q. What is the Graham-Pence rule?

4 A. That the vice president -- former
5 vice president not be left alone with a woman.

6 Q. Is what Judy was recommending
7 essentially the Graham-Pence rule for the
8 governor?

9 A. Sounds similar, yes.

10 Q. Did you have any concerns about
11 Judy recommending what is essentially the
12 Graham-Pence rule for the governor?

13 A. She was doing it out of his
14 protection. And previously I know that when
15 he was at HUD, he had a very similar policy.
16 We also don't close the door to the conference
17 room.

18 We don't close the door to the
19 inner office so that -- I mean, it's as much
20 for his protection as it is anybody else's so
21 that there's always a witness to things.

22 Q. Do you have any concerns that the
23 Graham-Pence rule is gender discriminatory?

24 A. No.

25 Q. Why not?

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1 A. Because -- I mean, if -- yes, if
2 it applies only to women, sure, but ...

3 Q. And was it being applied in
4 this -- to the governor only for women?

5 A. I don't remember if it was
6 specifically to men and to women, but I think
7 it was just if there was going to be a
8 staffer, there should two.

9 Q. Right. But you just told me
10 that, in essence, what was happening is the
11 Graham-Pence rule for Governor Cuomo. Right?

12 A. Well, as you were describing it.

13 Q. What do you --

14 THE WITNESS: Can I take a break,
15 please?

16 MS. KENNEDY PARK: Yeah, of
17 course. Sure.

18 THE VIDEOGRAPHER: The time is
19 4:51 p.m. This concludes Media 8. Off
20 the record.

21 (Recess taken from 4:51 p.m. to
22 5:07 p.m.)

23 THE VIDEOGRAPHER: The time now
24 is 5:07 p.m. This begins Media 9. On
25 the record.

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1 BY MS. KENNEDY PARK:

2 Q. Prior to December of 2020, are
3 there any conversations you had about
4 Charlotte Bennett that we haven't discussed
5 yet?

6 A. No. Not that I recall. Once the
7 matter was, sort of, closed, it wasn't
8 discussed again.

9 Q. So in between -- so this is July
10 of 2020 and December of 2020 -- did you have
11 any conversations about the fact that
12 Charlotte Bennett was leaving the health
13 policy team?

14 A. I think Judy and Jill, one or the
15 other, maybe both, let me know that she was
16 leaving.

17 Q. And do you remember what Jill
18 told you about that -- about Charlotte
19 leaving?

20 A. I think that she wanted to pursue
21 graduate school.

22 Q. Did Jill or you discuss offering
23 her a different position within the
24 government?

25 A. I don't recall. Maybe, but I

1 don't remember.

2 Q. Do you recall discussing with
3 Jill trying to keep her on the payroll until
4 she began graduate school?

5 A. I don't remember.

6 Q. Anything else you remember about
7 the conversation with Ms. DesRosiers?

8 A. No.

9 Q. Do you remember Ms. DesRosiers
10 telling you that Charlotte had an [REDACTED]
11 [REDACTED]?

12 A. Yes.

13 Q. What do you remember about that?

14 A. That she was [REDACTED] and that
15 she needed a [REDACTED] and that, I think,
16 someone had told her that they couldn't have
17 it, and then Jill intervened to make sure that
18 she could have it if that's what she needed.

19 Q. Okay. And what did Jill tell you
20 about why Ms. Bennett needed [REDACTED]
21 [REDACTED]?

22 A. That she was [REDACTED]

23 Q. She told you it was because [REDACTED]
24 [REDACTED]?

25 A. [REDACTED] specifically.

1 Q. Okay. And did that -- when did
2 that conversation occur?

3 A. I don't remember, September,
4 October.

5 Q. Was it in the time frame when you
6 were speaking to Jill about Ms. Bennett
7 leaving the executive chamber?

8 A. Yes.

9 Q. Okay. How many conversations
10 with Jill did you have about Ms. Bennett
11 leaving the executive chamber?

12 A. Not many. One, two.

13 Q. Were there any conversations with
14 Ms. DesRosiers about whether Ms. Bennett might
15 disclose her allegations against the governor
16 if she left the executive chamber?

17 A. No.

18 Q. Your conversation with Ms. Mogul,
19 can you tell us what the topic of that
20 conversation was?

21 MR. HECKER: Topic's fine.

22 A. I think that Charlotte was
23 leaving.

24 Q. And as to the substance, is the
25 executive chamber directing you not to answer

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1 those questions on the ground of privilege?

2 MR. HECKER: Same ruling they've
3 given us on this topic with -- of
4 discussions with Ms. Mogul, yes.

5 MS. KENNEDY PARK: I enjoy that
6 now they have rulings. Okay.

7 MR. HECKER: Position.

8 Q. So other than the --

9 MR. HECKER: As you know,
10 Counsel, it's not our privilege to make
11 judgements about --

12 MS. KENNEDY PARK: I understand.
13 I apologize for the joke.

14 Q. Other than the conversation about
15 Ms. Bennett leaving the chamber, did you have
16 any conversations with anyone between July
17 of 2020 and December of 2020 about
18 Ms. Bennett?

19 A. Not that I recall.

20 Q. Did you tell the governor
21 Ms. Bennett was leaving?

22 A. I don't think so.

23 Q. Did anyone tell the governor
24 Ms. Bennett was leaving?

25 A. I don't know.

1 Q. You said there were a number
2 of -- you described them as kids that had been
3 involved in the original conversation with
4 Ms. Bennett at a party where she described
5 having an inappropriate interaction with the
6 governor.

7 A. I don't think it was a party. I
8 think that they went to a bar.

9 Q. At a bar?

10 A. Yeah.

11 Q. Did anyone circle back with any
12 of those individuals to understand what
13 Ms. Bennett had said?

14 A. I don't know. If anyone would
15 have, it would have been Judy, but I don't
16 know.

17 Q. Did you ever direct anyone to do
18 that?

19 A. No.

20 Q. Are you aware of anyone else
21 other than Ms. Bennett and the governor and
22 **Staffer #4** who were spoken to about
23 Ms. Bennett's experience with the governor
24 from a factual perspective? Do you know what
25 I mean when I say that?

1 A. I'm not sure if Judy spoke to
2 additional people while she was gathering
3 information. If it would have been anyone, it
4 would have been her.

5 Q. I'm going to move off of
6 Charlotte Bennett now, unless Ms. Clark or
7 Mr. Kim have any additional questions about
8 Ms. Bennett.

9 Earlier you mentioned someone
10 named [REDACTED]. Did I get that right?

11 A. Mm-hmm.

12 Q. What was her position in the
13 executive chamber?

14 A. She was a -- I don't remember her
15 specific title but, like, a deputy comms
16 director, deputy press secretary.

17 Q. How did she come to be employed
18 in the executive chamber?

19 A. Rich Bamberger recommended her.

20 Q. How did he know her?

21 A. I think she worked for Kivvit for
22 a period.

23 Q. Did the governor meet her before
24 she came to work in the executive chamber?

25 A. Yes.

1 Q. And how did he meet her?

2 A. I think Rich brought her up for
3 State of the State to, like, shadow him, I
4 think.

5 Q. And the governor met her on that
6 occasion?

7 A. Yes.

8 Q. When was that?

9 A. January.

10 Q. Of 2021?

11 A. 2020.

12 Q. 2020. And whose idea was it to
13 bring [REDACTED] into the executive chamber
14 staff?

15 A. I think that Rich recommended it
16 to the governor directly.

17 Q. And how did you become aware of
18 that?

19 A. Because Dani Lever then told me
20 that she was trying to talk to her about
21 coming over for a job.

22 Q. And Dani Lever is the one who had
23 told you that Rich Bamberger had recommended
24 her to the governor?

25 A. I don't remember who told me that

1 piece. It wasn't, like, all -- you know, it
2 wasn't, like, a big, exciting piece of news.
3 It's not something I remember specifically.

4 Q. But you have some recollection
5 that somebody told you it was Rich Bamberger
6 who recommended her?

7 A. Yes, yes.

8 Q. Okay. And the governor had met
9 her on just that one occasion or on more than
10 occasion?

11 A. I don't know if he brought her up
12 a second time, but I know for sure that one
13 time.

14 Q. Had there been any concerns
15 raised after January 2020 about [REDACTED]
16 interactions with the governor?

17 A. The -- I mean, the one I told you
18 about.

19 Q. Anything other than that?

20 A. Not about his interactions with
21 her.

22 Q. About something else?

23 A. No. I think that Dani had a
24 difficult time trying to figure out the best
25 role for her in the press office.

1 Q. Did that relate to the governor
2 at all?

3 A. No. I think that she genuinely
4 couldn't figure out how to best utilize her.

5 Q. Had the governor raised any
6 concerns about how [REDACTED] was being
7 utilized?

8 A. I think that he thought that she
9 was talented, based on a couple of meetings
10 that she was in. She was assertive, she spoke
11 up, she was creative, and that he wanted to
12 make sure that they were using her.

13 Q. How did you come to that
14 understanding, that that was the governor's
15 view?

16 A. The governor oftentimes thinks
17 that we hire people and that they aren't
18 managed well. And I remember there was a
19 conversation where he was asking Dani, "What
20 do you have her doing? Do you have her
21 working on substance? Is she engaged? Don't
22 just hire people and leave them in a desert."

23 Q. Any other concerns that were
24 raised about [REDACTED] role in the
25 executive chamber?

1 A. That's what I remember.

2 Q. Any concerns raised about her
3 interactions with the governor by her or
4 anyone else?

5 A. No. And when she left the
6 chamber -- oh, that was another -- Judy, after
7 Charlotte, changed the policy so that anyone
8 who was leaving, there would be an exit
9 interview where they would be asked express
10 questions about their interactions with the
11 governor, their treatment in the chamber, so
12 that we could get real-time feedback and, if
13 there were any issues, try to address them as
14 they were coming up.

15 And I know that she did an exit
16 interview with [REDACTED] or Julia Kupiec or some
17 combination. An exit interview was conducted
18 with [REDACTED].

19 Q. And what do you know about the
20 substance of [REDACTED] exit review?

21 A. That she was perfectly happy,
22 that she enjoyed the time in the chamber. She
23 didn't want to be in Albany. She didn't like
24 working, you know, 18-hour days. She wanted
25 more of a work-life balance, but that she was

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1 grateful to have been part of the team and
2 supported everybody.

3 Q. In instituting this exit
4 interview protocol, were any HR professionals
5 consulted?

6 A. I don't know how Judy came up
7 with it.

8 Q. Was any -- to your knowledge, was
9 any research done about the value or
10 significance of exit interviews?

11 A. I don't know.

12 Q. Do you know if any research was
13 done about whether employees leaving are
14 truthful in exit interviews?

15 A. I don't know.

16 Q. Did you or anyone in the
17 executive chamber consider doing post-exit
18 interviews, meaning interview somebody a
19 period of time after they had left the
20 executive chamber?

21 A. No.

22 Q. You said that sometimes the
23 governor gets involved in determining whether
24 someone is being best utilized. I apologize
25 if I'm not getting your words exactly right.

1 Were there any other occasions in
2 which the -- to your knowledge, the governor
3 raised an issue about how someone was being
4 utilized?

5 A. Yes.

6 Q. Who?

7 A. I mean, it happens all the time.

8 I'm trying to think of something specific.

9 I'm sorry, I can't think of anything specific.

10 But it's not an uncommon refrain for him.

11 Q. Do you know someone by the name
12 of Kaitlin [REDACTED]?

13 A. Yes.

14 Q. Who's Kaitlin [REDACTED]

15 A. Kaitlin [REDACTED] is somebody who
16 worked in the chamber for a short time a
17 couple of years ago.

18 Q. And what year was that?

19 A. 2017.

20 Q. Okay. And what was her role?

21 A. She was hired to be Stephanie's
22 assistant in New York City.

23 Q. Did you have a role in her
24 hiring?

25 A. No.

1 Q. Do you know how she came to the
2 attention of the executive chamber?

3 A. Yes.

4 Q. How did you come to your
5 understanding of how she came to the attention
6 of the executive chamber?

7 A. [REDACTED] had just left, and so
8 there was an opening for that position. And
9 the governor was at an event that [REDACTED]
10 hosted, and he met her at that event. And [REDACTED]
11 [REDACTED] was, like, singing her praises that
12 she was this rising star, go-getter, really
13 talented.

14 And the governor -- we had that
15 position open. And so then afterwards, he
16 spoke to Jill and Annabel about seeing if she
17 was interested in doing that job.

18 Q. Sorry, I think the question I
19 actually asked was how did you come to that
20 understanding?

21 A. I was at the event.

22 Q. Okay. So you saw the governor
23 interact with [REDACTED]?

24 A. I don't remember if I saw him
25 interact with her specifically. But I know

1 the next day he asked Jill and Annabel to
2 follow up on the conversation.

3 Q. Right. When you were at the
4 event, did you see the governor interact with
5 [REDACTED]?

6 A. Yes.

7 Q. Did you hear his conversation
8 with [REDACTED] about Kaitlin [REDACTED]?

9 A. No.

10 Q. So how did you come to understand
11 that [REDACTED] and Mr. -- Governor Cuomo
12 had had a conversation about Kaitlin [REDACTED]?

13 A. Because the next day when they
14 were talking about bringing her in to see if
15 she would be interested in filling that
16 position, he said, "[REDACTED] said she's great. She
17 worked for [REDACTED]. Check with [REDACTED]
18 [REDACTED] who was [REDACTED] assistant at the
19 time -- or chief of staff, excuse me -- at the
20 time.

21 Q. At that time, when you were
22 having the conversation with the governor, did
23 he know what her name was?

24 A. I don't remember.

25 Q. Do you know anything about how

1 folks found her to contact her?

2 A. I think that -- no, the answer is
3 no.

4 Q. Okay. And other than being in
5 that meeting with the governor, and it's -- I
6 think you said Ms. Walsh and Ms. Benton? Is
7 that right?

8 A. No. I think it was Jill and
9 Annabel.

10 Q. Sorry, Jill and Ms. Walsh. Did
11 you have any other knowledge about how
12 **Kaitlin** came to be employed in the executive
13 chamber?

14 A. No. I think it was just that
15 simple.

16 Q. Were any concerns raised by the
17 governor when **Kaitlin** was in the executive
18 chamber about whether she was being best
19 utilized?

20 A. He wanted to make sure that she
21 wasn't set up for failure, that she was being
22 given projects, that Stephanie was engaging
23 her, that she was being properly managed.

24 Q. When did Governor Cuomo raise
25 those concerns?

1 A. At various points at the
2 beginning.

3 Q. You mean at the beginning of her
4 employment?

5 A. Yes, excuse me.

6 Q. In those conversations, did the
7 governor ever tell you [Kaitlin] had expressed
8 concerns about how she was being utilized?

9 A. Not that I recall.

10 Q. In those conversations, did the
11 governor ever tell you [Kaitlin] had expressed
12 concerns about how she was being treated by
13 other members of the senior staff?

14 A. No. But he wanted to make sure
15 that she felt included.

16 Q. Did he express to you that she
17 had said she did not feel included?

18 A. I don't think so. But I know
19 that he was always very much like, you know,
20 everyone should go out together, everyone
21 should be friends, everyone should socialize
22 together, you need to make sure you're
23 inclusive.

24 Q. Was he saying those things
25 because that didn't happen?

1 A. I think that he is always a
2 little bit like a camp counselor in that way.
3 He's always worried, making sure that everyone
4 feels good and comfortable and, like, they're
5 socializing altogether, and that everyone is,
6 like, a -- very much a group outside of the
7 office.

8 Q. Ms. DeRosa, I just want to be
9 clear. I don't want you to mind read for the
10 governor. I just want you to tell me what he
11 said. Right?

12 A. He said what I said.

13 Q. Okay.

14 A. "Make sure you're including
15 Kaitlin. Don't put her on an island and set
16 her up to fail."

17 Q. And what did you do to ensure
18 that **Kaitlin** was not put on an island and
19 set up to fail?

20 A. I didn't do anything. She didn't
21 report to me.

22 Q. Who did she report to?

23 A. Stephanie and secondarily Jill
24 and Annabel.

25 Q. Did you ever hear anything after

1 that -- those conversations with Governor
2 Cuomo about whether Kaitlin was being
3 successful in her position?

4 A. She was not.

5 Q. And tell us about that.

6 A. She would forget things, big and
7 small. She, it appeared, would get stressed
8 out under pressure and, like, couldn't put
9 phone calls through and would drop phone
10 calls.

11 She wouldn't necessarily make
12 herself available. Like, we're very, you
13 know, last minute, everyone needs to come to
14 the office or, you know, working long hours.
15 And I know that there were some issues with
16 that with Annabel.

17 And I know that when they had
18 hired her, she had wanted a higher salary
19 because she said that if she was taking this
20 job, that she couldn't do waitressing on the
21 weekends or get, like, a second job.

22 So if she was going to not have
23 time for a second job, that she needed to make
24 sure that she had a salary that was
25 commiserate with what would have otherwise

1 been full-time employment plus part-time
2 employment.

3 But then I know that Annabel and,
4 I think, Stephanie were frustrated that she
5 then, like, wasn't actually available
6 oftentimes to work some of those hours.

7 Q. Did she, in fact, get that
8 salary?

9 A. Yes.

10 Q. What was her salary?

11 A. I don't remember.

12 Q. And the description that you're
13 giving me about how she was not being
14 successful in her role in the chamber, are
15 those issues that you were aware about in real
16 time?

17 A. Yes.

18 Q. Before December 2020?

19 A. Yes.

20 Q. Okay. And what about including
21 her? What do you know about whether Kaitlin
22 was being included?

23 A. She had her own separate group of
24 friends.

25 Q. Was she invited to social events

1 with the senior staff?

2 A. If we were all downstairs and
3 she, like, walked in, we would say, "Sit
4 down." But, no, she was junior staff, and she
5 socialized with other junior staff.

6 Q. So when the governor told you to
7 make sure she was included, what did you
8 understand that to mean?

9 A. I don't think I even spent two
10 minutes processing it.

11 Q. Did you ever see Kaitlin
12 interact with the governor?

13 A. Yes.

14 Q. Describe those interactions.

15 A. I always remember thinking he
16 was, like, really making an effort with her to
17 succeed. He would put her in the room with
18 all of us during event prep meetings. He
19 would engage with her in the room with other
20 people to make sure that she felt like she was
21 part of the discussion.

22 Q. Did he have a nickname for her?

23 A. Yes.

24 Q. What was that?

25 A. Sponge.

1 Q. Who came up with that nickname?

2 A. I think he did.

3 Q. Did you use that nickname for

4 her?

5 A. Everybody did.

6 Q. Did anyone ask Kaitlin how she

7 felt being called Sponge?

8 A. I didn't.

9 Q. To your knowledge, did anyone ask

10 her how she felt about --

11 A. I don't --

12 Q. -- being called sponge?

13 A. -- know.

14 Q. Sorry, you just got to wait.

15 A. Sorry, sorry.

16 Q. It's okay. We're doing better

17 now.

18 Did you ever see the senior staff

19 yell at her?

20 A. I don't know about yell at her.

21 I certainly was frustrated with her on a

22 couple of occasions. But it's how I

23 characterized it before. I can be, like, very

24 stern and animated, but I don't generally

25 raise my voice all that much.

1 Q. Can you give me an example of how
2 you interacted with her -- express your
3 frustration?

4 A. She had the responsibility for
5 making sure the governor had the book every
6 day, which was --

7 Q. The briefing book?

8 A. -- the briefing book. It was one
9 of her responsibilities, which entailed going
10 around the office and making sure that
11 everyone who had a role in the briefing book
12 had completed that task.

13 So certain people had to review
14 the remarks. Certain people had to review the
15 substance. Certain people had to review the,
16 you know, talking points, whatever it was for
17 the book.

18 And it just constantly -- like,
19 there was a goal when she was hired to change
20 that process and make sure that he got it in a
21 more timely manner, and it constantly didn't
22 happen.

23 Q. So tell me about your
24 conversation with her where you said you
25 expressed frustration.

1 A. I don't remember specifically.
2 But I know that there were times when I said,
3 "You're not doing the job that you're supposed
4 to be doing, and it's important that he get
5 this book at this time. And if someone isn't
6 getting you something and you need to tell me
7 so that I go make them get it to you, like,
8 that conversation needs to be had.

9 "It can't happen after the fact
10 because the task isn't accomplished. It needs
11 to happen on the front end."

12 Q. Okay. Can you recall any
13 occasions in which you observed anyone in the
14 senior staff yelling at her? I know you were
15 saying you didn't.

16 A. Well, I mean, I was definitely
17 stern with her. No, not specifically or
18 generally, no.

19 Q. See anyone berate her?

20 A. No.

21 Q. Belittle her?

22 A. No.

23 Q. Would you put calling her Sponge
24 in the category of belittling her?

25 A. I didn't think so at the time,

1 but now I can see why someone may feel that
2 way.

3 Q. Any occasions in which you saw
4 anyone treat her in a way you thought was not
5 respectful?

6 A. No.

7 Q. Treat her in a way you thought
8 was inappropriate?

9 A. No.

10 Q. See her cry?

11 A. No.

12 MS. KENNEDY PARK: I'm going to
13 switch to something else, unless you
14 guys have questions about Kaitlin [REDACTED]?
15 Okay.

16 Q. How did Executive Assistant #2 come to be
17 employed in the executive chamber?

18 A. She was a recommendation of a
19 lobbyist, but I can't remember which one.

20 Q. And what role was she --

21 A. I think maybe [REDACTED] -- I'm
22 sorry.

23 Q. I'm sorry. I didn't mean to
24 interrupt you. [REDACTED]. Is that right?

25 A. I think so.

1 Q. Okay.

2 A. I don't -- I don't know. It was
3 one of the lobbyists recommended her.

4 (Discussion off the record.)

5 Q. And what was she hired to do?

6 A. Be an executive assistant.

7 Q. To who?

8 A. To the governor.

9 Q. That was the role she was first
10 hired into?

11 A. I believe so.

12 Q. She wasn't hired to be your
13 executive assistant?

14 A. I don't think so but we share.

15 Q. You share all the governor's
16 executive assistants?

17 A. Not Stephanie, obviously.

18 Q. So who else do you share?

19 A. **Executive Assistant #3**, whoever is sitting
20 in the pen outside of my office, which
21 changes. And then, in New York City, I have
22 my own executive assistant. And then he has
23 Stephanie and then the person that sits
24 outside of Stephanie's office.

25 Q. So in Albany, whoever sits at the

1 pen are both your executive assistants and his
2 executive assistants?

3 A. Yes.

4 Q. What did you do to make sure that
5 the people who sat in the pen understood that?

6 A. I don't remember.

7 Q. Do you recall ever speaking to
8 **Executive Assistant #2** about the fact that she was hired
9 to be your assistant?

10 A. I don't remember.

11 Q. Do you remember what happened on
12 her first day in the office?

13 A. No.

14 Q. Did she travel with the governor?

15 A. I don't remember.

16 Q. Earlier we talked about someone
17 named Brittany Commisso. You know
18 Ms. Commisso?

19 A. Yes.

20 Q. What do you know about how she
21 got hired into the executive chamber?

22 A. I've heard differing versions. I
23 don't know firsthand.

24 Q. What do you know secondhand?

25 A. I think that she had a friend

1 from high school who was an assistant in
2 counsel's office, and that she had a job
3 working for Albany County, but [REDACTED]

4 [REDACTED]
5 [REDACTED] and it was, like, not a sustainable
6 situation for her.

7 And so her friend, like,
8 recommended her to come in as an executive
9 assistant.

10 Q. Who did you hear that from?

11 A. Rich Azzopardi.

12 Q. When did you hear that from
13 Mr. Azzopardi?

14 A. In the last several months.

15 Q. Since February?

16 A. Yes.

17 Q. Did you ever observe the governor
18 interacting with Ms. Commisso?

19 A. Yes.

20 Q. How would you describe their
21 interactions?

22 A. Friendly, respectful.

23 Q. Did you ever observe any
24 interactions that you thought were not
25 respectful?

1 A. No.

2 Q. How tall is Ms. Commisso?

3 A. Maybe a little bit shorter than

4 me. So 5'6.

5 Q. How tall is the governor?

6 A. Well, his driver's license says

7 5'11, but I think he believes it's 6'1.

8 Q. Duly noted. Did you ever hear

9 the governor make comments about

10 Ms. Commisso's height?

11 A. No.

12 Q. You ever see the governor measure

13 his height against Ms. Commisso's?

14 A. Not that I recall.

15 Q. We're going to talk more about

16 Ms. Commisso and Kaitlin later when we get

17 to December of 2020. But before then, did you

18 know Ana Liss when she worked in the executive

19 chamber?

20 A. No.

21 Q. Do you know Alyssa McGrath?

22 A. Yes.

23 Q. Okay. And how did Ms. McGrath

24 come to be employed in the executive chamber?

25 A. I have no idea.

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1 Q. And what's her role in the
2 executive chamber?

3 A. She's an executive assistant.

4 Q. To whom?

5 A. She's rotated but for a time she
6 sat outside in the pen.

7 Q. And what time period did she sit
8 in the pen?

9 A. I think in the fall of 2020.

10 Q. Have you ever observed her
11 interacting with the governor?

12 A. Sure.

13 Q. Okay. And tell us about those
14 interactions.

15 A. Same. Friendly, respectful.

16 Q. Have you ever seen her have an
17 interaction with the governor that you did not
18 think was respectful?

19 A. No.

20 Q. That you thought was not
21 friendly?

22 A. No.

23 Q. Would you describe the governor's
24 interactions with Charlotte Bennett that we
25 discussed earlier that you learned about in

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1 June of 2020 as respectful?

2 A. I really can't -- I can't --

3 Q. Well, you can comment on whether
4 Ms. Commisso and Ms. McGrath have had
5 respectful interactions with the governor, but
6 you're not -- you can't comment on whether --

7 A. I never --

8 MR. HECKER: I think she's --

9 Q. -- you characterized those
10 interactions with Ms. Bennett as respectful or
11 not?

12 MR. HECKER: You've asked her, I
13 can't count the number of questions,
14 about her views about the conversation
15 with Ms. Bennett, and now you're just
16 coming back to them and asking for new
17 adjectives.

18 Why don't you move on to
19 something else.

20 MS. KENNEDY PARK: I'm actually
21 using her own adjectives, and I'd ask
22 you not interrupt and not to instruct
23 the witness on the record. That's not
24 why you're here.

25 MR. HECKER: I'm not instructing

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1 the witness at all.

2 BY MS. KENNEDY PARK:

3 Q. Can you answer the question?

4 A. I've already talked about my
5 views on those conversations, and I never saw
6 the governor have the conversations that
7 Charlotte Bennett reported to Judy Mogul, and
8 I never saw the governor have any
9 conversations like that with anyone.

10 Q. With anyone else?

11 A. Including Brittany or Alyssa.

12 Q. Why don't we talk about the
13 governor's conversations with other people.
14 Have you ever heard the governor make a joke
15 that had sexual content?

16 A. I'm sure at some point in the
17 last eight years, but nothing specific comes
18 to mind.

19 Q. Why are you sure?

20 A. I guess that's not -- I shouldn't
21 have said that. I don't know. Nothing
22 specific comes to mind.

23 Q. Anything general come to mind?

24 A. No.

25 Q. Is it -- the reason that you said

1 that you're sure it happened is because the
2 governor has made jokes with sexual content?

3 A. Not sexual content.

4 Q. Okay. So tell me about the jokes
5 you have in mind.

6 A. I don't have any jokes in mind.

7 Q. Okay. Have you ever -- were you
8 there when the governor received his Emmy
9 statue?

10 A. Yes.

11 Q. What did he say?

12 A. Well, what do you mean?

13 Q. The governor has an Emmy. Right?

14 A. Yes.

15 Q. And he got awarded that Emmy in
16 2020. Right?

17 A. Yes.

18 Q. Has the governor talked to you
19 about that Emmy statue?

20 A. Sure. I'm the one that told him
21 we were -- he was being awarded it.

22 Q. That's great. And has the
23 governor ever commented on the actual
24 physicality of the Emmy statue in your
25 presence?

1 A. Not that I recall.

2 Q. Have you ever heard about
3 the -- about him commenting about the
4 physicality of the Emmy statue?

5 A. No.

6 Q. Were you there when the Emmy
7 actually arrived?

8 A. I don't think I was in the room,
9 no.

10 Q. Have you ever heard the governor
11 tell a -- like, an anecdote about an old bull
12 and a young bull?

13 A. I can tell you're going someplace
14 specific about this, but I'm not -- I can't --
15 no.

16 MR. HECKER: Just answer whether
17 you've heard --

18 A. No, I don't recall.

19 Q. Have you ever heard the governor
20 comment on people's appearance?

21 A. Yes.

22 Q. Tell us about those comments.

23 A. "Nice tie, Jim." "Melissa, did
24 you get a new haircut?" You know, "S#2 new
25 shoes?" Just, you know, comments like that.

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1 Q. Comments about people's clothing?

2 A. Yeah.

3 Q. Other than comments on people's
4 clothing, have you heard the governor comment
5 about people's appearance?

6 A. Sure.

7 Q. And what kinds of comments?

8 A. "You look tired." "You look nice
9 today." You know, like, things like that.

10 Q. Ever observe the governor asking
11 someone wearing a dress to spin around?

12 A. No.

13 Q. Would that shock you that that
14 happened?

15 A. I've never seen it.

16 Q. You think if that happened, it
17 would be inappropriate for the workplace?

18 A. I don't know. No, yes, I don't
19 know. Would it be inappropriate for the
20 workplace? I guess I -- like everything in
21 life, there's context. But I don't remember
22 anything.

23 Q. Ever hear the governor comment on
24 somebody having nice legs?

25 A. No. But -- no.

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1 Q. No, but what?

2 MR. HECKER: Wait, wait, wait.

3 MS. KENNEDY PARK: Let her
4 finish. She was going to say something.

5 MR. HECKER: She said, "No, but"
6 and then you said, "No, but what?"

7 If you have more to add, you
8 should add it. And if not, the question
9 is whether you have ever heard anyone
10 comment on someone having nice legs.

11 A. No.

12 Q. But what? What were you about to
13 say?

14 A. There was reporting on it.

15 Q. Okay. Did you look into that
16 after the reporting?

17 A. No.

18 Q. Did you talk to the governor
19 about it after the reporting?

20 A. No.

21 Q. Have you ever heard the comment
22 make -- the governor make comments about
23 somebody's weight?

24 A. Sure.

25 Q. What comments?

1 A. Like, [REDACTED] lost a lot
2 of weight at one point. There's -- he's
3 commented on my weight, [REDACTED]

4 Q. Did he ever comment on [REDACTED]
5 [REDACTED] weight?

6 A. Not to me.

7 Q. To other people?

8 A. I don't know.

9 Q. Have you heard about the governor
10 commenting about [REDACTED]'s weight?

11 A. Yes, through reporting.

12 Q. Okay. Did you ever ask the
13 governor if it was true?

14 A. No.

15 Q. Did you ever ask anybody else if
16 it was true?

17 A. No.

18 Q. Okay. Have you ever heard the
19 governor yell at someone?

20 A. Sure.

21 Q. On the staff?

22 A. Sure.

23 Q. How often?

24 A. Not often.

25 Q. Weekly?

1 A. No.

2 Q. Monthly?

3 A. No.

4 Q. Has he yelled at you?

5 A. Sure.

6 Q. What about?

7 A. I don't remember a specific but
8 I'm sure it's happened.

9 Q. Anybody else you can remember him
10 yelling at?

11 A. Not off the top of my head.

12 Q. Did you ever yell at Kaitlin

13 [REDACTED]

14 A. I think we already went over
15 that.

16 Q. I don't remember. Can you just
17 remind me? Did you yell at Kaitlin [REDACTED]?

18 A. Feels like this is long enough.
19 I had stern conversations with Kaitlin [REDACTED]
20 when she didn't do her job.

21 Q. Okay. Let's look at Tab 2.

22 MS. KENNEDY PARK: Let's mark
23 this as the next exhibit.

24 (Exhibit 12, Text message chain
25 including Melissa DeRosa, Annabel Walsh,

1 and Jill DesRosiers, dated February 23,
2 2017, marked for identification, as of
3 this date.)

4 Q. This is a text message chain from
5 you, Jill DesRosiers, Annabel Walsh -- I'm not
6 missing anybody else -- from February 23,
7 2017. And you text:

8 "I just yelled at [REDACTED]
9 This is after yelling at Sponge this
10 morning."

11 Do you see that?

12 A. I do.

13 Q. Does that refresh your
14 recollection if you've ever yelled at Kaitlin

15 [REDACTED]

16 A. No. But I use the word "yell"
17 interchangeably with, like, being stern with
18 someone.

19 Q. Those are the same thing in your
20 mind?

21 A. Yes.

22 Q. Have you ever seen the governor
23 kiss people?

24 A. Yeah.

25 Q. At events?

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1 A. Absolutely.

2 Q. What about kissing members of the
3 executive chamber?

4 A. Yes.

5 Q. On the cheek?

6 A. Yes.

7 Q. On the mouth?

8 A. No.

9 Q. Has the governor ever kissed you
10 on the mouth?

11 A. No.

12 Q. Has anyone ever told you that the
13 governor kissed them on the mouth?

14 A. No.

15 Q. Would it surprise you to learn
16 that the governor frequently kissed Annabel
17 Walsh on the mouth?

18 A. Yes.

19 Q. Did she ever tell you that?

20 A. No.

21 THE WITNESS: I'm sorry, guys.

22 I'm so tired.

23 MR. HECKER: Want to take a
24 break?

25 MS. KENNEDY PARK: Want to take a

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1 break?

2 THE WITNESS: Yeah. Like five
3 minutes.

4 MS. KENNEDY PARK: If you want to
5 stop for today -- let's go off the
6 record.

7 THE VIDEOGRAPHER: The time is
8 5:41 p.m. This concludes Media 9. Off
9 the record.

10 (Recess taken from 5:41 p.m. to
11 5:48 p.m.)

12 THE VIDEOGRAPHER: The time now
13 is 5:48 p.m. This begins Media 10. On
14 the record.

15 MS. KENNEDY PARK: We'll close
16 out the record for the day. Thank you.

17 THE VIDEOGRAPHER: The time is
18 5:48 p.m. This concludes Media 10 of
19 today's investigation. Off the record.

20 (Time noted: 5:49 p.m.)

21 - - -

22

23

24

25

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

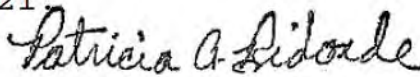
COUNTY OF NASSAU)

I, PATRICIA A. BIDONDE, a Notary
Public within and for the State of New
York, do hereby certify:

That MELISSA DEROSA, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me, and that
such deposition is a true record of the
testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this day,
July 8, 2021.



PATRICIA A. BIDONDE
Stenographer
Registered Professional Reporter
Realtime Certified Reporter